

**Saco Coastal Waters Commission
Minutes of the February 6, 2008 Meeting**

I. Call Meeting to Order – At 7:07 p.m. a Saco Coastal Waters Commission meeting was held at City Hall.

II. Roll Call of Members – The members present constituted a quorum. The members present: Chairman Joseph Stephenson, Vice-Chairman Robert Morowski Jr. (7:13 p.m.), Bob Barris, Todd Stewart, Mike Gray, and Thomas Casamassa. Also present: Asst. Harbormaster Daniel Chadbourne, Council Liaison Sandra Bastille, and the Honorable Mayor Roland Michaud. Absent: Wayne Hutchins (notified).

III. Approval of Minutes –January 2, 2008

Bob Barris moved, Tom Casamassa seconded to approve the January 2, 2008 minutes as written. The motion passed with four (3) yeas & (2) abstentions.

IV. General

A. Discussion of New Agenda Format

The Chairman discussed the new agenda format, its intended use, that the motions listed are for suggestive purposes only, and that the remarks made are an interpretation of the prior meetings and discussions of the commission. These items are intended to help the Commission in discussing the item and in formulating motions, but are not intended to influence the decisions of the Commission.

B. 5000 Account Review

Bob Barris presented an overview of the 2007 budget and the current budget thus far. Discussion included questions regarding the SHIP grant reimbursement and the expenditure & clarification of the last amount listed in the spread sheet for \$468.10. Todd Stewart also asked about the prior amounts listed for cable expenses (\$144.95) which has been reimbursed to the account.

There were additional discussions about the expenses related to the Fire Boat fuel costs and why the Commission should be paying for this and the Police Boat fuel. Todd Stewart made a motion to “Recommend that the Fire Department pay for fuel for the Fire Boat instead of the cost coming from the 5000 Account.” The motion was seconded by Bob Morowski and passed with (4) yeas and (2) nays [Casamassa & Stephenson].

With regard to the continued bills associated with OEST [hoist engineering], questions were asked about why we are paying ongoing fees to them for work that some members of the Commission feel should be included in the original price since the problems with the hoists are design problems. Todd Stewart raised the question about the most recent bill of \$1200 and what this was paid to them for specifically. Bob Barris will get a breakdown and report back to the Commission.

Todd Stewart remarked that last week the small harbor grants were published in the paper and Saco was not listed as receiving any money. There have been no updates from the Public Works regarding the outcome of our application but this would suggest that we were not going to receive any funding for this year. This topic then raised questions regarding the costs associated with the piling project, whether the bids had gone out yet and where the Commission finances were with paying for this project without additional funding. Bob Barris commented on the historical revenues and expenditures from 2005 and the timeline for 2008 and discussions circulated around whether or not we had the funds available to the Commission to fund the piling project independent of any other revenue sources.

V. Old Business

A. Piling Project

The Commission discussed the ongoing piling project with respect to the bid proposal that had been drafted and discussed with Public Works and the status of the project going out to bid so that the Commission would have an

idea on the overall costs of this to complete. The Commission is questioning whether or not we can use the remaining funds associated with the original SHIP grant to start this project with the remaining funds coming from the 5000 Account. Mayor Michaud will discuss the ongoing bid with City Administrator Rick Michaud. Additional discussion centered around funding the project directly with Mike Gray wanting to recommend a \$35,000 expenditure to complete the project. It was decided that the Commission would wait until the status of the bid was known and what the actual expenditures would be before setting an exact expenditure figure.

B. Floats

Tom Casamassa and Mike Gray both commented on the timeframes for removing all of the floats in Camp Ellis. This year the floats were pulled too early which hampered those fishermen who continue to use the pier in the winter months. As a result of this, Public Works left three floats in for December, but these were never pulled out in time and the delay in pulling them resulted in damage to the floats. In updates provided by PW Deputy Director Mark Lorello, he stated that their intention was to pull them in early December but as a result of the early winter storms, they did not. In order to minimize problems, particularly with scheduling PW employees to complete the tasks, in the future all floats will be removed in late October.

In response to this Tom Casamassa indicated that problems with this has been a direct result of the build up of sand under the float area and the reduction in workable area, which requires the need to have additional floats in for a longer period of time. The Commission discussed the timeframe and it was mentioned that the majority of users remove their boats during Thanksgiving week and that if Public Works could hold off until then, it would be a better solution for the users. Todd Stewart moved to "Request that Public Works remove the floats no later than the last week of November." Tom Casamassa seconded and the motion passed with (5) yeas and (1) abstention [Stephenson].

This motion lead into additional discussion around the float layout and the need to assist the late season users. Given the change in the workable area around the pier, Commission members were directed to work with Public Works on the location and set up of the floats for the upcoming season in order to maximize use.

C. Hoist Updates

The Chairman read an update regarding the hoists from Public Works Deputy Director Mark Lorello outlining the remaining issues that need to be addressed with the hoists. There were some small discussions about the working of the hoists and it was reported that the upriver hoists was working correctly. Mike Gray commented that he thought the hoists were great and that users seemed to be getting use to it. One comment regarding the hoists was the cable versus braided line. It was asked that the cable on the down river hoist be changed to braided line like the upriver one since this seems to be a better working system for the users.

Additionally some members asked about the warranty with regard to the hoists and who was ultimately responsible for the proper working order of these, was it the fabricator or the engineer. Questions were asked about the ability to hold the engineers responsible for inadequate design and whether additional payments should have to be made to them to rectify design flaws. The Chairman commented that it was his understanding that the warranty laid directly with the fabricator and not the engineers and that the warranty was solely on the workmanship of the hoist and there were no guarantees with the design. The Mayor commented on this as well and discussed in more detail the remedies available to the City if it was determined that the engineers failed to adequately design the project.

Finally there were additional comments regarding minor issues with the hoists with the most prominent being the failure of the key switches or work correctly. Tom Casamassa noted that keys were not needed to operate any of the hoists as long as the emergency shut off was not used, so he was asked to follow up with Mark Lorello on this issue.

D. Mooring List Update (abandoned moorings)

The list of abandoned moorings was finally received from Harbormaster Don Abbott and was presented to the Commission along with the previous changes indicated by Asst. Harbormaster Dan Chadbourne. Mike Gray advised the Commission that the Harbormaster had indicated to him that two names were incorrectly placed in the

list submitted; Bob Barris and Peter Scontras. Both names were removed from the list presented by the Harbormaster and the Chairman will notify the City Clerk of this change.

Commission members brought up the issue that there was no clear list of current mooring holders to reference and it was asked that the City Clerk prepare a list of paid mooring holders. The lists presented in the past included names of people who no longer had moorings or those that had not paid for the last year and were still listed, giving the impression that those moorings were taken. The Commission is looking for a complete list of only valid mooring holders for the 2007 seasons with those people identified by the Harbormaster and Asst. Harbormaster highlighted. In doing so, this should present a very clear indication of the actual number of moorings that should be present in the river and the number of available moorings for those on the wait list.

There was additional discussion around the list of abandoned moorings and how or if notice should be made to those people affected by the ordinance. Counsel Liaison Sandra Bastille suggested that notice should be given to those mooring holders affected by the Harbormaster's decision with information on the appeals process. The Mayor also questioned the implied ownership rights of the mooring holders and indicated that in the future, the correct process should be a review of mooring use in October to provide plenty of time to address appeals prior to the next season.

There were questions about the affects of this on the City Clerk as they have held sending out the renewals until the updates on abandoned moorings had been submitted to them. It was determined by the Commission that the City Clerks office (once an updated list of 2007 mooring holders was completed) should remove the names of the abandoned mooring holders as provided by the Harbormaster from the active mooring list and send the renewals to all others. This will prevent further delays or issues for the City Clerk, and the Commission will then address the appeals as they are made. Tom Casamassa moved to "Request Public Works make written notification to those mooring holders identified by the Harbormaster as being abandoned and advise them of the appeals process." The motion was seconded by Bob Barris and passed with (5) yeas and (1) abstention [Morowski].

Bob Barris then discussed a motion regarding changes to the ordinance to reflect that written notice must be made and then changes to the wording of the ordinance over the last few years. Bob later rescinded his motion and it was determined that the issue of an ordinance change would be set for next months agenda.

E. Dredging Project

The Chairman reported to the Commission that permits would be required for any dredging near the pier even to remove only the sand causing damage and encroaching on the floats. Costs of the permits would be approximately \$5000. Todd Stewart moved to table any further discussion on dredging until the piling project was resolved. Seconded by Bob Morowski and the motion passed with (6) yeas.

F. Parking Lot Gates

The chairman presented quotes received from Dick Smith of Cincinnati Time of Maine through Public Works' inquiry about setting up automated parking gates at the Camp Ellis Pier. Two different style systems were discussed with prices nearing \$35,000+ and were not fully automatic. From the proposals it would appear that a parking lot attendant would still be needed to collect funds while exiting. Bob Morowski moved to table this discussion until the summer. Todd Stewart seconded and the motion passed with (6) yeas.

G. Harbormaster

The chairman advised that the Director of Public Works has asked for a recommendation from the Commission on the appointment of a Harbor Master. Questions were asked about the notification to the current harbormaster and whether this had been discussed with him and what process should be used in recommending a Harbormaster. The Chairman noted that the Director of Public Works had not asked the Commission for a recommendation in a couple of years and it was apparent that he was looking to appoint someone. There was substantial discussion about the process, who should be recommended and how, and the Mayor discussed how other committees had looked at applications and then made recommendations based upon this. Commission members stated that they felt the position should be advertised for to see if there were any qualified applicants, especially if there was going to be a

change in compensation. Mike Gray moved "To Accept Applications for the Harbormaster Position" with a second from Tom Casamassa. The motion passed with (5) yeas and (1) nay [Stephenson].

The Commission in further discussion requested that the Public Works Department take care of advertising for the position and the acceptance of the applications and forward those to the Commission to inspect and then make recommendations on.

H. Harbormaster Compensation

The issue of current compensation of the Harbormaster and future compensation was raised and discussed. The discussion centered around what the specific duties of the Harbormaster would be, the time required to perform this, if there was an intended change in Harbormaster duties from what there is currently, etc. Todd Stewart discussed the need to find adequate revenue to provide for this funding and questioned about the ability to increase boat excise tax or the ability to have portions of this paid through the existing Public Works budget. The Mayor mentioned that it would be beneficial for the Commission to attempt to find alternative sources for compensation particularly with the scrutiny given to the existing Department budgets and the goal of the City to hold from creating any tax increases.

Bob Morowski moved to table this item until such time as the Commission has the funds available and the notion to pay for a Harbormaster. The motion was seconded by Mike Gray and passed with (6) yeas.

Further discussion took place and the Commission felt that the current compensation (free Commercial User Permit) was adequate. An amendment to the motion was made by Bob Morowski that should the compensation for Harbormaster be changed then the position of Harbormaster should be reopened and new applications be accepted to consider. Second by Mike Gray and the motion passed with (6) yeas.

VI. New Business

A. Biddeford Harbor Commission

The joint purchase of the additional engines for the police boat through the generosity of the Maine Marine Patrol has been approved and Mark Lorello has been in contact with the Biddeford Harbormaster about securing these items for future use.

B. Harbormaster Training - 2008

The next Harbormaster training program will take place March 19-21 at the Maine Maritime Academy in Castine, Maine. Those Commission members interested in attending will need to provide completed applications to Michelle within the next week.

VII. Adjournment

Miek Gray moved, Bob Morowski seconded to adjourn at 9:53 p.m.

Attest: Chairman Joseph E. Stephenson

Date Approved: March 5, 2008