I. **Call Meeting to Order** – At 7:03 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 James Bastille, Treasurer Robert Barris, Robert Morowski Jr, Peter Scontras, Joseph Stephenson and Todd Stewart (non-voting member until 8/5/05). Wayne Hutchins arrived at 7:30 p.m. Also present: Mark Lorello, Deputy Director Public Works and Dale Shannon from Public Works. Harbormaster Don Abbott arrived at 7:25 p.m.

III. **Approval of Minutes – June 1, 2005**

Peter Scontras moved, Robert Morowski seconded to approve the June 1, 2005 minutes. The motion passed with five (5) yeas.

IV. **General**

A. **5000 Account Review**

There was no report this evening.

V. **Old Business**

C. **Fisherman Memorials**

Carmen & Philip Cantara of 2 Dewey Avenue in Old Orchard Beach presented the following letter to the Commission.

I am here today to make a proposal to the City of Saco. I would like to begin by telling you a little background information. My son Raymond Cantara worked as a sternman on a lobster boat owned by Jeff Abbott out of Camp Ellis. On April 23rd of this year Raymond died. My thirteen year old granddaughter suggested that since her uncle Ray loved Camp Ellis so much we should have something there in his memory. She was right about his love for the area. Even before he started working there he felt a great sense of peace when he was there starting at the tender age of six.

We started thinking about what we could do and again my granddaughter came up with the idea of placing a park bench facing the bay. She felt is should have a plaque with his name on it. After discussing the idea with the Harbor Master we were prompted to bring our idea to the council. I have another idea of a plaque that could be added to in memory of other departed fisherman. Someone else suggested that there is a new building to be erected at the pier and that it may be possible of having a bench attached to the structure.

I would welcome the opportunity to talk with someone to help me implement my ideas into reality. Please remember I am not asking for any financial assistance on this project. I have several benefactors who are willing to help me with the financial aspect of this project. I just need to connect with someone who can help me pull this all together.

I am hoping that I can erect a plaque so that other family members can honor the memories of their loved ones.

Camp Ellis offered my son peace in life and I hope it will do the same for him in death.

End of letter

The commission members agreed that the Cantara’s proposal of having a bench with a plaque on it to memorialize Raymond Cantara was a good idea.

The second suggested plaque would list the names of falling fisherman, fisherman who have experienced tragedy or been lost at sea.
Peter Scontras moved, Robert Morowski seconded to accept the request of a gift in the form a park bench with a plaque to memorialize Raymond Cantara to be adjacent to or connected to the new Harbor Master office to be constructed on the pier. The motion passed with six (6) yeas.

A. Code Amendment – City Ordinance Proposal for Violations and Fines

Joseph Stephenson presented the following City Ordinance for Violations & Fines on the Waterways to the Commission.

CITY ORDINANCE

WATERWAYS

Article 1.

Division 1 – Generally

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 1-1</td>
<td>Definitions</td>
</tr>
<tr>
<td>Sec. 1-2</td>
<td>Authority</td>
</tr>
<tr>
<td>Sec. 1-3</td>
<td>Adoption of Ordinance</td>
</tr>
<tr>
<td>Sec. 1-4</td>
<td>Separability</td>
</tr>
<tr>
<td>Sec. 1-5</td>
<td>Disclosure of Vessel Ownership</td>
</tr>
<tr>
<td>Sec. 1-6</td>
<td>Order of Disposal; abatement by City &amp; recovery of costs</td>
</tr>
<tr>
<td>Sec. 1-7</td>
<td>Penalties</td>
</tr>
<tr>
<td>Sec. 1-8</td>
<td>Manner and Method of Service</td>
</tr>
<tr>
<td>Sec. 1-9</td>
<td>No Wake Zones</td>
</tr>
<tr>
<td>Sec. 1-10</td>
<td>Harbor Patrol</td>
</tr>
</tbody>
</table>

Division 2 – Violations

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 2-1</td>
<td>Allowing Derelict Vessel</td>
</tr>
<tr>
<td>Sec. 2-2</td>
<td>Obstructing Public Wharf, Dock, Landing or Pier</td>
</tr>
<tr>
<td>Sec. 2-3</td>
<td>Diving, Swimming on or near Public Wharves, Docks, Landings, Piers or Within the Channel Prohibited</td>
</tr>
<tr>
<td>Sec. 2-4</td>
<td>Obstructing Channel or Inner Harbor</td>
</tr>
<tr>
<td>Sec. 2-5</td>
<td>Operation of a Vessel without Proper Safety Equipment</td>
</tr>
<tr>
<td>Sec. 2-6</td>
<td>Imprudent Operation of a Vessel</td>
</tr>
<tr>
<td>Sec. 2-7</td>
<td>Failing to Report a Collision, Accident or Fire</td>
</tr>
<tr>
<td>Sec. 2-8</td>
<td>Endangerment of Life or Property</td>
</tr>
<tr>
<td>Sec. 2-9</td>
<td>Surfing</td>
</tr>
<tr>
<td>Sec. 2-10</td>
<td>Alcoholic Beverages</td>
</tr>
<tr>
<td>Sec. 2-11</td>
<td>Vehicles Prohibited on Beach</td>
</tr>
<tr>
<td>Sec. 2-12</td>
<td>Use of Dune Area</td>
</tr>
<tr>
<td>Sec. 2-13</td>
<td>Overnight Camping on Beaches Prohibited</td>
</tr>
</tbody>
</table>

Division 3 – Rental Agents

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3-1</td>
<td>Definitions</td>
</tr>
<tr>
<td>Sec. 3-2</td>
<td>Licensing</td>
</tr>
<tr>
<td>Sec. 3-3</td>
<td>Rental Agreements</td>
</tr>
<tr>
<td>Sec. 3-4</td>
<td>Prohibited Acts</td>
</tr>
<tr>
<td>Sec. 3-5</td>
<td>Agent negligence; City’s right to recovery of costs</td>
</tr>
</tbody>
</table>
DIVISION 1

SECTION 1-1: Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings attributed to them except where the context clearly indicates a different meaning:

Beach refers to any publicly owned shoreline area that is directly adjacent to recognized bodies of water. Beaches may be comprised of sand, ledge, or loose rock.

Berth means a place where a vessel rests when docked or anchored.

Camp/Camping is defined as the building of any shelter, tent, lean-to, or other structure intended to provide its occupants refuge from the weather.

Channel means a fixed or official area of navigation typically in the deeper portions of the river or bay. These areas are identified by official markers and/or maps and regulated by the Department of the Army, the harbormaster or other regulatory or legislative bodies.

Dock refers to a slip or waterway extending between two piers or a wharf or platform for the loading or unloading of passengers, cargo or materials. It may also be known as a wharf, float or a landing.

Float means a platform anchored to fixed points and positioned upon the water’s surface. It is used as a landing or for other purposes and may sometimes be referred to as a dock.

Harbor refers to all tidal waters within the geographical limits of the city from the high tide watermark to the 3-nautical-mile line shown on the most recently published Federal Government nautical chart. It shall specifically include Saco Bay and all portions of the Saco River.

Headway Speed refers to the minimum amount of power necessary to allow your vessel to navigate safely through the water. Depending on the size, composition and design of the vessel, headway speed may vary.

Inner Harbor refers to the area from the bell at Sharp’s Rocks to the area known as the Lower Narrows and encompasses all of Camp Ellis.

Landing means a place for landing or discharging persons or things from a vessel.

Mooring is the means of securing a vessel to a particular location in the city waters, other than temporarily by anchor, for a period not to exceed 48 hours. Dock, pier, wharf or float tie-ups are not moorings.

Pier means a structure extending into navigable water for use as a landing place or to protect or form a harbor. This definition will include breakwaters, jetties and commercial locations used for the loading and unloading of cargo.

Port means and includes Saco Bay, all city piers, wharves, docks and all known public or private landings.

Safety Equipment includes, but is not limited to, signals, flares, horn, fire extinguisher and personal flotation devices as defined in federal law per the Federal Boat Safety Act of 1971, Public Law 92-75, as amended.

Vessel means any watercraft used or capable of being used for transportation of persons or products. Vessel is synonymous with watercraft.

Wharf means a structure of timber, masonry, cement, earth or other material built on the shore of a harbor, river, canal or the like, especially one extending parallel to the shoreline so that vessels may lie close alongside to receive and discharge passengers and cargo.

SECTION 1-2: Authority and Enforcement

A law Enforcement Officer, Harbormaster, Assistant Harbormaster, or other designee by whose job description authority is granted, may enforce the provisions of this article.

SECTION 1-3: Adoption of Ordinance

These ordinances are hereby adopted by the City of Saco for the purpose of establishing rules and regulations to guarantee the safety of our citizens and visitors, to ensure the proper operation of watercraft, and promote the safe enjoyment of recreational activities on our waterways.

This article will remain in effect until eliminated or amended.
SECTION 1-4: Separability

If any section, subsection, sentence or other provision of this article is, for any reason, held invalid or unconstitutional, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been made.

SECTION 1-5: Disclosure of Vessel Ownership

This section requires the disclosure of ownership of any vessel operating within the statutory limits of the City of Saco and further requires all corporate, partnerships, trusts and any other non-individual, including those persons undisclosed, anonymous or otherwise unidentifiable principals, responsible for the maintenance of property and vessels and accountable with respect to violations of this ordinance.

SECTION 1-6: Order of Disposal; Abatement of Violation by the City and Recovery of Costs

When the City Council, after notice in writing to the owner of any derelict vessel by regular mail or by publication in a newspaper in the county three weeks successively, and after a hearing on such matter, adjudge that such vessel was or is derelict, dangerous or a nuisance, they may make and record an order prescribing what disposal shall be made thereof. The city clerk shall deliver a copy of such order to a constable or deputy sheriff, who shall serve such owner, if the owner is a resident of the state, with an attested copy thereof, and make return of his actions thereon to the clerk forthwith. If the owner or part owner is unknown or resides outside this state, such notice shall be given by publication in a paper published in the county for three successive weeks.

If no application is made to the superior court, as is provided in this section, the city council shall cause such vessel to be abated, removed or altered in compliance with their order, and all expenses thereof shall be repaid to the city within 30 days after demand, or may be recovered of such person by an action for money paid.

Any owner aggrieved by an order made pursuant to this section, costs shall be recovered by the city; if it wholly annuls such order, the applicant shall recover costs; and if it alters it in part, the court may render such judgment as to costs as justice requires.

SECTION 1-7: Penalties

A person who violates a provision of this article is guilty of a separate offense for each day, part of a day, or event during which the violation is committed, continued, or permitted. Unless stated for elsewhere in this article, each offense, upon conviction, is punishable by a civil penalty of not less than $100.00 and not more than $2500.00.

SECTION 1-8: Manner and Method of Service

Notice to owner or to persons responsible for a violation of this order shall be made in the following manner and method.

At the discretion of the acting authority, a warning may be issued verbally or in writing, so long as such warning is recorded and made available for future reference.

If, in the discretion of the acting authority, a citation is deemed necessary, such citation will be issued in the following manner:

(a) The citation includes the name of the responsible person and/or owner, the date and time of the violation, a general reference location for the violation, a description of the violation and the location of and date of appearance at the local court having jurisdiction;

(b) The citation used is authorized and accepted by the District Court of the State of Maine;

(c) Service of the citation is made upon the violator by a person authorized under law to make such service; and

(d) The completed citation is properly recorded in the District Court of the State of Maine having jurisdiction over the violation.

SECTION 1-9: No Wake Zones

No wake zones shall be established by the Coastal Waters Commission for the tidal areas of the Saco River and Saco Bay.
Designated no wake areas will be marked appropriately with buoys, signs or other reasonable markers likely to come to the attention of boaters. All markers or buoys placed into the river or harbor will first be approved by the United States Coast Guard or other authority having jurisdiction over navigable waters.

Once approved, buoys will be placed in the designated areas by the Harbormaster, Assistant Harbormaster, or by an independent contractor hired by the City with the recommendation of the Harbormaster and Coastal Waters Commission. Placement of buoys or markers within the areas shall be done no later than May 15th, nor removed no earlier than September 15th.

These zones will be reviewed periodically to ensure that they do not conflict with state or local law and reflect the needs of the citizens of Saco.

SECTION 1-10: Harbor Patrol

Recognizing the increase in recreational boating traffic and other activities within the Saco River and Saco Bay, The City of Saco hereby establishes the Harbor Patrol, which shall be operated under the supervision of the Chief of Police.

The Harbor Patrol will be responsible for ensuring that safe boating practices are used within our waterways and for the enforcement of City ordinances and State law.

Members of the Harbor Patrol will be law enforcement officers as defined under Title 25, section 2801-A(5). The Chief of Police may appoint such members of the Police Department as Harbor Patrol members as shall from time to time be necessary.

The Harbor Patrol will operate seasonally; from Memorial Day weekend to Labor Day weekend or longer, as determined by the Chief of Police.

DIVISION 2

SECTION 2-1: Allowing Derelict Vessel

An owner, captain or operator of a vessel allows that vessel to become derelict if:

1.) The vessel lacks any license or registration, the prerequisite of which is required by state or local authority to allow operation of such vessel in the harbor;

2.) Is submerged to a level substantially above its normal water line and remains so for a period greater than 48 hours;

3.) Is damaged to the extent that it cannot be moved under its own power;

4.) The owner, captain or operator of the vessel has failed or refused to comply with the lawful orders of the harbormaster, assistant harbormaster or a law enforcement officer. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended;

5.) The owner of the vessel has failed or refuses to pay any applicable license fee, excise tax, harbor usage fee, mooring fee, dock or landing fee or any other service fee imposed by the city or harbormaster. A violation of this section will have a mandatory minimum fine of $250 that may not be suspended.

SECTION 2-2: Obstructing a Public Wharf, Dock, Landing or Pier

A person obstructs a wharf, dock, landing or pier if that person intentionally or knowingly:

1.) Obstructs, by any means whatsoever, the free use of any public wharf, dock, landing or pier and is not actively engaged in the loading or unloading of persons, product or cargo; or

2.) Allows a vessel under that persons control or ownership to remain tied, moored or affixed to a public wharf, dock, landing or pier without legal authorization from the City or payment of docking fees.

SECTION 2-3: Diving, Swimming on or near Public Wharves, Docks, Landings, Piers or Within the Channel Prohibited

No person shall dive from or swim within 50 feet of any public wharf, dock, landing or pier. This does not preclude special events sanctioned by the City, recreational or commercial divers, emergency personnel or others who have been granted special permission by the harbormaster. At no time, other than for emergency purposes, may anyone swim within the channel.

SECTION 2-4: Obstructing Channel or Inner Harbor Prohibited
No person, firm or organization may intentionally, knowingly or recklessly obstruct a channel or the inner harbor by:

1.) Setting any commercial fishing gear within the inner harbor or a channel; or
2.) Place or set any lobster traps, including buoys, within 100 feet of a mooring or within a channel; or
3.) Place, stop or anchor any vessel within a channel without providing for adequate room for a vessel of any reasonable size to navigate safely around in both directions simultaneously.
4.) Knowingly or willfully obstruct the free use of any channel or waterway within the harbor.

SECTION 2-5: Operation of a Vessel Without Proper Safety Equipment

Any person operating a motorized vessel, greater than 10 feet in length, within the harbor, must carry proper safety equipment at all times. The equipment must be valid, in good condition and in proper working order. In the case of personal flotation devices, they must be of correct size and strength for the intended wearer. A violation of this section will have a mandatory minimum fine of $150 that may not be suspended. A citation may be issued for each piece of equipment that is missing, not in proper working order or in poor condition.

Exception: The provisions of this section, except for the requirement to carry a personal flotation device, do not apply to commercially licensed fishermen or others, who are traveling back and forth from shore or a wharf, directly to their moored vessels.

SECTION 2-6: Imprudent Operation of a Vessel

A person may not intentionally, knowingly or recklessly operate a vessel:

1) At a speed greater than what is reasonable and prudent for the location, weather, current and other boating traffic; or
2) In a manner so as to create the potential for danger, injury, damage or unnecessary inconvenience to other vessels, swimmers, or others, or to landings, wharves, docks or floats, whether public or private, either directly or by the effect of the wash or wake created by the vessel and its operation and/or speed; or
3) At a speed greater than headway speed within 100 yards of designated and marked no wake zones, the shoreline, tidal marsh, Camp Ellis pier, moorings, landings, docks, wharves, or the inner harbor.

SECTION 2-7: Failing to Report Collision or Accident

The owner, captain or operator of a vessel involved in a collision with another vessel, a wharf, pier, landing, dock or other fixed object within the harbor; a fire onboard; or an accident as defined by the United States Coast Guard, must report such collision to local law enforcement or the harbormaster by quickest means. Failing to report such collision, fire or accident, regardless of visible damage or injury, constitutes a violation of this section.

SECTION 2-8: Endangerment of Life or Property

A person is guilty of endangerment of life or property if that person:

1. operates a vessel and fails to have a proper lookout while towing a water-skier;
2. operates a vessel and fails to require a water-skier to wear a personal flotation device (PFD);
3. operates a vessel and permits a passenger to ride on the swim platform;
4. operates a vessel and engages in “teak surfing”, “drag surfing” or otherwise allows someone to physically hang onto the stern, transom, swim platform or gunnels of a vessel;
5. water-skis without wearing a personal flotation device (PFD); or
6. rides or physically hangs onto the stern, transom, swim platform or gunnels of a vessel while underway.

The provisions of this section do not apply to emergency personnel in the performance of their duties; emergency situations in which this activity could not be avoided; or the use of approved recreational equipment designed to be towed behind a vessel as long as the distance behind the vessel is adequate to prevent injury from moving parts, fuels or carbon monoxide gases.

SECTION 2-9: Surfing

Surfing is permitted only in designated areas, as defined by the on-duty lifeguard, harbor patrol, harbormaster or by use of signs or other means of
notification. At all times, while surfing, safety lines must be worn.

**SECTION 2-10: Alcoholic Beverages**

The consumption or possession of alcoholic beverages is prohibited on any beach. For the purposes of this section, any person found within reasonable reach of an alcoholic beverage is deemed to be in possession.

**SECTION 2-11: Vehicles Prohibited on Beach**

No motorized or vehicular traffic of any kind may enter or use the beach for any purpose, with the exception of public safety vehicles and those City vehicles designated for public works purposes.

**SECTION 2-12: Use of Dune Area**

No traffic of any kind, vehicular or pedestrian, may enter or use any area of the beach wherein so-called dune grass is growing. It shall also be a violation of this section to burn, crush, uproot, poison or in any other manner kill, injure or remove any dune grass or any other vegetation growing on the beach.

For the purposes of this section, subsequent violations will have been committed for each square foot of dune grass damaged, injured or destroyed.

**SECTION 2-13: Overnight Camping on Beaches Prohibited**

No person or group may camp or otherwise set up temporary, overnight shelter on a beach for any purpose. Overnight is defined as any time following sunset and before sunrise.

**DIVISION 3**

**SECTION 3-1: Definitions**

The following words, terms and phrases, when used in this section, shall have the meanings attributed to them except where the context clearly indicates a different meaning:

*Rental Agent* is defined as any person, firm, proprietorship or corporation who specifically rents canoes, kayaks, sailboats under 20 feet in length, personal watercraft and/or motorized watercraft under 22 feet in length to the general public for a fee.

All Rental Agents are to acquire and maintain a current business license through the City of Saco, and secure all pertinent State and Federal licenses as necessary. Furthermore, Rental Agents must abide by all requirements or provisions issued by the Code Enforcement Officer, Planning Board, Zoning Board or other City official.

**SECTION 3-3: Rental Agreement**

A rental agent must provide, to any person whom they know to be operating a canoe, kayak, sailboat, personal watercraft (PWCs) or motorized watercraft:

a. The occupant capacity and weight limits of the craft being rented and operated;

b. Proper operational instruction and safety education for the craft being used;

c. Personal Flotation Devices (PFDs) of adequate size and proper working order for all intended occupants of the craft;

d. Verify, by way of demonstrated ability, the operators knowledge of the craft and equipment and ability to control and maneuver the craft safely;

e. Written information pertaining to local and state laws governing the body of water in which they will be operating and a brief description of the so-called rules of the road. For PWCs or motorized watercraft, the information will also include the laws pertaining to wake violations and a map indicating “no wake” areas.

For subsection “b”, the rental agent may use an audio/visual presentation in lieu of personal instruction, however, the sole use of written instruction will not satisfy the requirements of this section.

For subsection “d”, the rental agent may accept a watercraft license issued from another state or from the United States Coast Guard as proof of demonstrated ability. The rental agent may also waive the requirements of subsection “d” if the person renting has previously rented and demonstrated their ability, with that type of equipment, within the last 30 days.

**SECTION 3-4: Prohibited Acts**

The following violations, in addition to the fines outlined in section 1-7, will also result in the immediate suspension of all City business licenses and/or permits.
No Rental Agent may continue to operate until the violations have been corrected and the City is satisfied with those corrections.

a. **Failing to Provide Safety Instruction**: A rental agent is guilty of failing to provide safety instruction if they fail to comply with all the requirements of section 3-3.

b. **Failing to Maintain Records**: The rental agent must maintain written records showing that the requirements of section 3-3 were followed. If a waiver of subsection “d” is allowed, a photocopy of the watercraft license, USCG license or previous rental agreement and demonstrated ability must be included. Rental agents may not destroy these records in the event of a watercraft accident, drowning or other incident involving the rented equipment. Records may otherwise be destroyed six months following the date of rental.

c. **No License / Violation of Licensing Agreement**: Any Rental Agent who fails to obtain or maintain a current City business license; or who fails to abide by the requirements of section 3-2 is guilty of this violation.

**SECTION 3-5: Agent Negligence; City’s Right to Recovery of Costs**

When a Rental Agent fails to follow the provisions of this division and an accident or incident occurs that requires the use of City services, or requires the City to hire or fund private businesses or other government agencies as a result of the accident or incident, the Rental Agent shall be responsible for reimbursement of all associated costs.

These services include, but are not limited to: police, fire, rescue, or other emergency services; divers; water recovery specialists; engineers; environmental or hazardous materials specialists or companies; product inspectors, investigators, private consultants, attorneys, and/or legal expenses.

_________________________________End of Ordinance_____________________________

Police Chief Brad Paul was present this evening to discuss the Violation and Fine Ordinance. The Chief mentioned that he and the Fire Dept. had received calls as to whether people could camp on the Beach. The Chief researched the Ordinances, and could find nothing that prohibited camping on the Beach. Camp Fires are not allowed though on the Beach. The Chief suggested that before this becomes a problem, it should be addressed in an Ordinance. Joseph Stephenson has added this into the Violations and Fines Ordinance. The Commission members determined that this Camping on the Beach issue may be under the jurisdiction of the Shoreline Commission. It was decided to hold off on presenting this ordinance to Council until the Shoreline Commission has had a chance to review the proposed language.

On the proposed ordinance, the Chief was concerned that the ordinance seemed to imply that the existence of the Harbor Patrol is a mandatory function of the Police Department. It isn’t a budgeted as such. We received a boat for nothing, have spent minimally to get it operating, and operate on a bare subsistence budget. Biddeford will not be patrolling the river this summer due to costs. We are the only presence on the river, and I have given instructions that it is to be patrolled when we can do it with available staff. I have not authorized overtime to fulfill this function. It is a lot more difficult to have one person patrolling the river for safety and back up reasons, issuing citations, and watching everything else going on. It is a lot easier with 2 people patrolling. In other words, we will be out there, but probably less than last year.

The Commission asked the Chief his thoughts on what should be going on, on the River. Since we share the river and harbor, the Chief thought it would be great to have a permanent Harbor Master with patrol capability and citation authority, more regular patrol, and shared jurisdiction. In the last five years, boating traffic has increased about 30 – 40 %. In order to guarantee a person to patrol, it should be budgeted for each year.

There are grants out there to assist with funding, and you could also get an endorsement from possibly Senator Collins office, but this still needs to be approved by the City Council.

The members asked about how one patrol person would enforce both sides of the river. Joe Stephenson mentioned that there was a newly passed State Law which allows Police to have full jurisdiction in the State of Maine. The officer
would need to have the permission of their Police Chief. This may help to address the problem if both sides would agree to it.

Wayne Hutchins mentioned that Jay Clement of Scarborough has a lot of experience working on these ordinances, and he may be able to help out.

B. Code Amendment – Harbormaster – Supervising Dept.

The members felt that this code amendment should specify who is going to appoint the Harbormaster.

The commission decided to invite to the next commission meeting, the City Administrator Rick Michaud, Police Chief Brad Paul as well as a representative of the Public Works Dept. to discuss how they see the Harbormaster responsibilities and the Camp Ellis area in the future.

The item was TABLED. It will need to be removed from the July 25th City Council Workshop.

Harbor Master Code Amendment  
Dated August 1, 2005

Wording to be deleted is shown as strikethrough and new wording is underlined.

Chapter 4, Article V, § 4-16. Police Department

A. Establishment

(1) There shall be a Police Department, the head of which shall be the Police Chief. The Chief of Police shall be appointed by the City Administrator and confirmed by the City Council. There shall also be a Harbormaster and a Canine Control Officer, who shall be directly responsible to the Chief.

D. Harbormaster. The City Administrator shall appoint a Harbormaster. It shall be the duty of the Harbormaster to enforce the rules and regulations enacted by the City Council or the State of Maine for the keeping of convenient channels for the passage of vessels in the harbors and waterways located in the City of Saco and the supervision of the boundary lines of such portions of the harbors as assigned for anchorage by the City Council; and to enforce the laws of the State of Maine and Coast Guard regulating the operation of motor vessels.

Chapter 118, Article I § 118-3 definition.

Harbor Master. The officer appointed by the City Administrator to oversee the jurisdiction area of the City of Saco

§ 118-5. Coastal Waters Commission; Harbor Master

A. Purpose and duties.

(1) Establishing policy. The Saco Coastal Waters Commission exists for the general purpose of studying and evaluating public usage of and boating access to coastal waters under the jurisdiction of the City of Saco and planning for its future use; to advise the City Council on policy matters; and to propose to the City Council regulations concerning the Saco River and the City's coastal waters. The proposed regulations and policies shall be consistent with federal and state law.
(2) Further duties. In addition, the Commission shall review and cooperate in maintenance and care of City-owned waterfront facilities with the Harbor Master and Public Works Department and plan harbor improvements in conjunction with the City, state and federal authorities. The Commission shall sit as a Board of Appeals to hear an appeal from any person aggrieved by any decision, act or failure to act of the Harbor Master. The Commission shall regularly inform the City Council and other boards, committees, commissions or officials of the City as is appropriate of its activities.

(3) The Commission shall review, evaluate and make a recommendation to the City Administrator and City Council on the new appointment or reappointment of the Harbor Master and Assistant Harbor Master(s). The terms of office of the Harbor Master and Assistant Harbor Master(s) shall be three years. Supervising Official. The Harbor Master is herewith designated as the City official to supervise and enforce this chapter. The Harbor Master will be under the direction of the Director of Public Works who will act as his/her immediate supervisor.

(4) Duties of the Harbor Master. The Harbor Master is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, Municipal Harbor Commission or such other bodies empowered to regulate municipal harbors. The Harbor Master shall be appointed by the City Administrator. The Harbor Master shall report to the City Administrator. [Amended 4-18-2000]

D. Harbor Regulations - Pamphlet

The commission thought that these pamphlets shouldn’t be put out until the Saco & Biddeford patrol issue is settled, and the no wake zone boundaries are determined. A chart of the river from the GPS system will be needed to determine boundaries.

The no wake buoys haven’t been put out yet on the Biddeford side. Joe Stephenson said he would check into this.

E. Job Crane & Hoist
PROPOSAL TO UPGRADE HOISTS AND JIB CRANES

YALE 1/2 TON CAPACITY HOIST (KELB1/2-40MT-16SISE)
CAPACITY: 1/2 TON
LIFT: 40'
SPEED: 16 FPM
PENDENT & DROP: 8 BUTTON (1H, 1T, 1C, STOP-START) 36' OF DROP
SUSPENSION LUG
HOIST MOTOR: 1/2 HP, CLASS F INSULATION, 30 MINUTE DUTY RATING
NEMA 4 ENCLOSURES INCLUDED
ELECTRIC DYNAMIC SWITCH OVERLOAD INCLUDED
PARTS OF CHAIN 1 PART ZINC PLATED CHAIN
905436 CHAIN CONTAINER INCLUDED
LOWER HOOK: BULLARD
905436 COVER INCLUDED
TROLLEY SPEED: 75 fpm
TROLLEY MOTOR: 1/4 HP, CLASS F INSULATION, 30 MINUTE DUTY RATING
WHEEL DIAMETER: 4"
FLANGE WIDTH: 3-3/8" TO 5"
POWER SUPPLY: 120V/1 Phase/60 Hz
CONTROL VOLTAGE: 115V
APPROX. WEIGHT: 210# $8,152.00

YALE 1 TON CAPACITY HOIST (KELB1-40MT-16SISE)
CAPACITY: 1 TON
LIFT: 40'
SPEED: 16 FPM
PENDENT & DROP: 8 BUTTON (1H, 1T, 1C, STOP-START) WITH 36' OF DROP
SUSPENSION OF HOIST LUG
HOIST MOTOR: 1/2 HP, CLASS F INSULATION, 30 MINUTE DUTY RATING
NEMA 4 ENCLOSURES INCLUDED
ELECTRIC DYNAMO SWITCH OVERLOAD INCLUDED
PARTS OF CHAIN 1 PART ZINC PLATED CHAIN
905436 CHAIN CONTAINER INCLUDED
LOWER HOOK: BULLARD
905436 COVER INCLUDED
TROLLEY SPEED: 75 fpm
TROLLEY MOTOR: 1/4 HP, CLASS F INSULATION, 30 MINUTE DUTY RATING
WHEEL DIAMETER: 4"
FLANGE WIDTH: 3-3/8" TO 5"
POWER SUPPLY: 120V/1 Phase/60 Hz
CONTROL VOLTAGE: 115V
APPROX. WEIGHT: 220# $8,370.00

YALE 2 TON CAPACITY HOIST (KELB2-40MT-16SISE)
CAPACITY: 2 TON
LIFT: 40'
SPEED: 16 FPM
PENDENT & DROP: 8 BUTTON (1H, 1T, 1C, STOP-START) WITH 36' OF DROP
SUSPENSION OF HOIST LUG
HOIST MOTOR: 2-1/2 HP, CLASS F INSULATION, 30 MINUTE DUTY RATING
NEMA 4 ENCLOSURES INCLUDED
ELECTRIC DYNAMIC SWITCH OVERLOAD INCLUDED
PARTS OF CHAIN 2 PART ZINC PLATED CHAIN
905436 CHAIN CONTAINER INCLUDED
LOWER HOOK: BULLARD
905439 COVER INCLUDED
TROLLEY SPEED: 75 fpm
TROLLEY MOTOR: 1/4 HP, CLASS F INSULATION, 30 MINUTE DUTY RATING
WHEEL DIAMETER: 4"
FLANGE WIDTH: 3-3/8" TO 5"
POWER SUPPLY: 115v/1 PHASE/60 Hz
CONTROL VOLTAGE: 115V
APPROX. WEIGHT: 293# $9,156.00
JIB CRANES

ABEL-HOWE J-904 SERIES BASE MOUNTED
POWER ROTATION JIB CRANES

CAPACITY 1/2 TON
UNDERBOOM 12'-0"
SPAN. 15'-0"
ALUMINUM HAND CHAIN
FESTOON TAGLINE INCLUDED
PENDENT DROP FROM HOIST WITH MAINLINE CONTACTOR
FEATOON TAGLINE INCLUDED
MECHANICAL ROTATION LIMIT STOPS INCLUDED
PAINT YELLOW EPOXY

$8,827 00

CAPACITY 1 TON
UNDER BOOM 12'-0"
SPAN. 15'-0"
ALUMINUM HAND CHAIN
HAND CHAIN GUIDE
PENDENT DROP FROM HOIST WITH MINELINE CONTACTOR
FESTOON TAGLINE INCLUDED
MECHANICAL ROTATION LIMIT STOPS INCLUDED
PAINT YELLOW EPOXY

$9,245 00

CAPACITY 2 TON
UNDERBOOM 12'-0"
SPAN. 15'-0"
PENDENT DROP FROM HOIST WITH MAINLINE CONTACTOR
ALUMINUM HAND CHAIN
HAND CHAIN GUIDE
FESTOON TAGLINE INCLUDED
MECHANICAL ROTATION LIMIT STOPS
PAINT YELLOW EPOXY

$9,379 00

LEAD TIME ON HOISTS: 6 TO 8 WEEKS ARO.
FOB: DELIVERED IF WEIGHT EXCEEDS 500#, IF UNDER FOB: POINT OF ORIGIN
QUOTE PREICES ARE GOOD FOR 30 DAYS
LEAD TIME ON JIB CRANES 8 TO 10 WEEKS
JIB CRANES ARE SHIPPED FOB POINT Erecka, ill
QUOTE PRICES ARE GOOD FOR 30 DAYS

INSTALLATION
ALL MECHANICAL AND ELECTRICAL INSTALLATION WILL BE DONE
SETTING OF JIB CRANES, FASTENING TO PIER AND ELECTRIFIED PER CODE
THE ANCHOR BOLT MODIFICATIONS DONE BY OTHERS
DRAWINGS SUPPLIED BUY YALE AND ABEL-HOWE TO OTHERS FOR BOLT HOLE
MODIFICATIONS.

$24,463 00

RESPECTFULLY SUBMITTED,

Les Brewer
N H Bragg & Sons
lbrewer@nhbragg.com
JUNE 21, 2005

***Note: A diagram and dimensions on a 2000 lb. & 4000 lb. Crane, can be seen on the next page (P. 13 & 14)

Mark Lorello presented the above proposal to upgrade hoists and jib cranes prepared by NH Bragg & Sons of Westbrook. Commission members requested that Mark find out where they could see one of these installed jib cranes & hoists, be able to talk to people who operate it, and to try it out to make sure it is something that they want. The hoists, jib cranes & installation were all priced separately.

City Administrator Rick Michaud provided a memo on Harbor Planning Grants Available from the State Planning Office. The Planning Office is soliciting proposals for grants for harbor planning. $150,000 is available competitively for harbor planning (to implement recommendations in local comprehensive plans), conducting planning studies for public and working access, planning and designing harbor improvements, and developing management plans for municipal fishing piers, marinas, and water access sites and facilities. Deadline for applications: September 26, 2005. For more information, contact Jim Connors at 287-8938 or

Mark Lorello is going to check into whether there is any grant money to purchase this Jib Hoist. Joe Stephenson, has been researching grants for a while now, and what he has seen is that there are plenty of Grants, but they are only for equipment, training etc. They don’t cover manpower expenses.

It was also mentioned to re-apply for Grants for the docks.
E. SHIP Grant – Camp Ellis Pier Facility

Mark Lorello presented an e-mail he received from Stephen Harding regarding the Camp Ellis Pier Facility. It is as follows: Dated - July 5, 2005

Hi Linda,

Following up on telephone conversations that we have had with you and Doug Burdick of your staff, we are requesting a written confirmation of the Department’s position with regards to the permitting needs of the subject project (a response to this e-mail would be adequate). The City is proposing to construct a 40-foot by 40-foot structure on the easterly end of their paved parking lot directly adjacent to the existing wooden pier structure. The new building will house a new office for the harbormaster, provide bulk bait storage for the local fisherman’s group, provide year round restroom facilities, provide storage space for equipment used with the City’s emergency response and river patrol boat, and enclose an existing 12-foot by 20-foot fuel tank storage building within its footprint. The new structure will be constructed with a cottage-style appearance to fit harmoniously with the surrounding coastal neighborhood.

Although the project will be built behind an existing retaining wall entirely on surfaces paved today and not directly impact the adjacent river, the project will occur within 75-feet of the Saco River. It will be greater than 25-feet from the resource to the north and the south in the paved areas and over 25-feet to the water across the wooden pier structure. In our conversations with Doug, he indicated that in his opinion we could not consider the wooden pier structure to part of the distance separating our project from the resource. With this consideration, the project would not qualify for a permit-by-rule for work adjacent to a resource and a full NRPA permit would need to be pursued.

While we agree that the pier is not a natural occurrence, we believe that its presence would act as a barrier to protect the resource and should be allowed to be counted toward the 25-foot setback. In doing so, the abbreviated permit-by-rule process could be implemented to permit this project. We are in hopes that the DEP will use its discretion in recognizing that the land in question is fully developed with no vegetation or exposed areas to be impacted and that construction of the new building could be easily managed so that the introduction of soil into the resource will not occur. Therefore, we believe the scope of the project meets the spirit of the permit-by-rule program.

We ask the DEP to review this situation and reconsider its original position that the DEP would require the City to go through the full NRPA process for a project that would seem to fit more clearly in the permit-by-rule process for a minor activity in a previously developed area for water dependent uses with a significant local benefit. To help clarify this situation attached is a Site Plan of the proposed project, color photographs of the existing site, a rendering of the proposed building, and an aerial view photograph of the project and surrounding areas. We hope that this information will assist you and your staff in visualizing the condition of the site and the proposed project much better than through verbal information relayed in phone conversations. While we greatly respect Doug’s experience with the DEP’s NRPA process and its intricate rules, we want to be entirely positive that the individual NRPA permit application must be filed before the City goes through this potentially lengthy permit process.

We have received a permit approval for the project from the Saco River Corridor Commission and confirmed with Jay Clement at the Army Corps of Engineers that a Corps permit is not required for the proposed work. We have also submitted to the City of Saco and received word from Bob Hamblen, the City Planner, that the City is all set with the project and will be issuing a Site Plan approval. We have also assisted the City in getting a $100,000 grant from the Small Harbor Improvement Program (SHIP) as administered by the Maine DOT. We are anxious to complete the building design plans and select a contractor so the project so the project can be constructed after the summer tourist season.

We thank you in advance for your patience and consideration in determining this project’s permit needs.

Steve

VI. New Business
A. Assistant Harbor Master Resignation

On July 1, 2005 Thomas W. Casamassa submitted his resignation effective immediately to the City Administrator Rick Michaud. Commission members mentioned that things having been building for about a year now. The commission is going to send Tom a letter thanking him for his time and service. No recommendations were made for a replacement. Currently there is little compensation.

B. Dock Master Hired

Jerry McMillan has been hired as the new Dock Master. Mr. McMillan stated that he would also work in the shack if needed at the attendant pay rate.

C. Bumper System on Boats & Floats

Dale Shannon mentioned that he has received several inquiries about why bumpers were only put on 3 of the floats. There are 15 additional floats that would need bumpers. The cost of additional bumpers would range from $414 - $1920 for the material, or pressure treated 2 X 4’s, with the hardware countersunk into them would cost about $125.00.

Boaters should be using bumpers on their boats. These bumpers would cost the boaters about $10.00

The funds are to be taken out of the Float Repair account.

Robert Morowski moved, Peter Scontras seconded to approve the funds to fix the issue with the floats by using the pressure treated 2 X 4’s for bumpers on the 15 other floats. The motion passed with six (6) yeas.

D. Oil in the Trash Cans

Dale Shannon also mentioned that he found about 5 gallons of oil dumped in the trash can again, and it wasn’t in a container. A container could be put down in the shack for individuals to use, but it can’t be contaminated by antifreeze or water, which would again be hard to control.

E. Abandoned Fishing Traps

If the traps are left on the dock more than 24 hours, they should be removed. This is not considered molesting traps, that only applies if the traps are set.

F. Disgruntled Fisherman

An angry fisherman was complaining and swearing at a Public Works employee about the fee increases at Camp Ellis. At the time, there was a woman and children within hearing distance. It was decided to send a letter to him (Tim Barstow from Dayton), asking him to come to the meeting to express his feelings, and not to take it out on employees and offend the public. Mark Lorello said he would draft the letter.

G. Waiting List Moorings

Don Abbott stated he had received 7 messages about moorings today. Someone in the City has told these people that are on the Mooring Waiting list, that there were 35 moorings available. Mr. Abbott stated there were no moorings available. The space is on dry land now. The letter that was sent out to the waiting list people said “Please be advised that there is a possibility that several moorings will become available in the near future. If you are interested in a mooring or if you wish to remain on the Wait List, please notify the office no later that May 14, 2005. Moorings will be granted to applicants in the following manner: Riparian Owners, Residential Commercial Fisherman, Non-Resident Commercial Fisherman, Residents, and Non-Residents.” Mr. Abbott said he never saw this letter.
were 25 people who lost their moorings because they didn’t renew them for the year 2004, and there were 24 people on the waiting list. A mooring plot plan needs to be completed.

H. Mr. Williamson a Charter Boat owner - Requesting a Mooring - Commercial User

It was determined that Mr. Williamson who is currently on the Mooring Waiting list, can get a Mooring under the Commercial user definition.

I. Saco River Corridor Commission – Spring Permits for Residents of Saco

The following are permits that were approved by the Saco River Corridor Commission this Spring. In the future, copies of these requests for permits that come through the City Clerk’s Office, will be forwarded to the Commission for their review.

- **Scott Worthing, 54 Camp Ellis Avenue – Application #19-249 – Meeting held March 23, 2005**
  PROJECT DESCRIPTION – The applicant proposes to remove an existing 4 x 25 foot fixed pier and replace it with a new 6 X 40 foot fixed pier.
  SITE LOCATION – Lot #1 (Map #2), Camp Ellis Avenue. The lot has 135 feet of water frontage on the Saco River.
  LAND USE DISTRICT – The site of the proposed activity is in the General Development District.
  BASED ON THE ABOVE FINDINGS – As determined at a duly noticed Corridor Commission meeting, the Commission draws the following conclusions: The soils are suitable for the proposed use. The proposed use will not unreasonably involve any of the factors enumerated in Section 959-A.1A. through K of the Act. Therefore, the Commission APPROVES the application of Scott Worthing for a permit to place a fixed pier as described above on land owned by the applicant at Lot #1 (Map #2), Camp Ellis Avenue, Saco, Maine.

- **Steve Ewing, 573 Ferry Road – Application #19-252 – Meeting held April 20, 2005**
  PROJECT DESCRIPTION – The applicant proposes to construct a permanent 4 X 7 foot access landing, with a 4 X 20 foot staircase leading to a 5 X 10 foot fixed pier that will remain below the mean high water line. From the fixed pier there will be a seasonal 3 X 32 foot ramp leading to a seasonal 12 X 24 foot float.
  SITE LOCATION/DESCRIPTION – Location: Lot #10 (Map #4), 573 Ferry Road, Saco, Maine. The lot has 120 feet of frontage on the Saco River.
  LAND USE DISTRICT – The site of the proposed activity is in the Limited Residential District.
  BASED ON THE ABOVE FINDINGS – As determined at a duly noticed Corridor Commission meeting, the Commission draws the following conclusions: The soils are suitable for the proposed use. The proposed use will not unreasonably involve any of the factors enumerated in Section 959-A.1A. through K of the Act. Therefore, the Commission APPROVES the application of Steve Ewing for a permit to construct a permanent access landing as described above on land owned by the applicant at Lot #10 (Map #4), 573 Ferry Road, Saco, Maine.

- **George Lagerstrom Jr., 45 Camp Ellis Avenue – Application #19-250 – Meeting held March 23, 2005**
  PROJECT DESCRIPTION – The applicant proposes to extend an existing float system by 80 feet and to install five new float guide piles for the extended pier located in the tidal section of the river.
  SITE LOCATION/DESCRIPTION – Location: Lot #167 (Map #2), Camp Ellis Avenue, Saco, Maine. The lot has 74.3 feet of water frontage on the Saco River.
  LAND USE DISTRICT – The site of the proposed activity is in the General Development District.
  BASED ON THE ABOVE FINDINGS – As determined at a duly noticed Corridor Commission meeting, the Commission draws the following conclusions: The soils are suitable for the proposed use. The proposed use will not unreasonably involve any of the factors enumerated in Section 959-A.1A. through K of the Act. Therefore, the Commission APPROVES the application of George Lagerstrom Jr., for a permit to extend and existing float system as described above on land owned by the applicant at Lot #167 (Map #2), Camp Ellis Avenue, Saco, Maine.
VII. Adjournment

Peter Scontras moved, Robert Morowski seconded to adjourn at 9:50 p.m. The motion passed with six (6) yea.

ATTEST:____________________________________ DATE APPROVED: August 3, 2005

Michele L. Hughes – Recording Secretary