Saco Coastal Waters Commission  
Minutes of the August 9, 2006 Meeting

I. Call Meeting to Order – At 7:06 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., Treasurer Robert Barris, Wayne Hutchins, Todd Stewart, and Mike Gray. Also present: Harbormaster Don Abbott, Asst. Harbormaster Daniel Chadbourne, Deputy Director of Public Works Mark Lorello and Dale Shannon, Supervisor at Public Works. Peter Scontras (Notified) was absent this evening.

III. Approval of Minutes –July 5, 2006

Corrections: Page 4 – In underline section. – First line, after the words “City Administrator”, strike “a e-mail” and replace with “the above information”.  Page 4 – under “A.  5000 Account Review”, the second sentence, strike “$9000, not including” and replace with “$90,000, minus”.

Robert Morowski moved, Robert Barris seconded to approve the July 5, 2006 minutes with the changes as mentioned. The motion passed with six (6) yeas.

IV. General

A. 5000 Account Review

Treasurer Robert Barris reviewed the following spreadsheets.

Summary of Coastal Waters Commission YTD Revenues and Expenditures for FY2006  
Updated Through June 30, 2006

<table>
<thead>
<tr>
<th>Fund balance @ FY2005 Ending***</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adjustments to be added back into account</td>
<td>$0</td>
</tr>
<tr>
<td>Revenues as of 06/30/06</td>
<td>$63,092</td>
</tr>
<tr>
<td>Expenditures as of 06/30/06</td>
<td>$48,663</td>
</tr>
<tr>
<td>Fund Balance as of 06/30/06</td>
<td>$139,402</td>
</tr>
<tr>
<td>Minus FY2006 Ending Reserves</td>
<td>$56,000</td>
</tr>
<tr>
<td>Fund Balance as of 06/30/06 Minus Current Reserves</td>
<td>$82,902</td>
</tr>
</tbody>
</table>

For a complete breakdown of Revenues, Expenditures, and Reserves updated through June 30, 2006, refer to “Attachment A” on page 4.

V. Old Business

A. Hoist & Pilings – Update

Deputy Director of Public Works Mark Lorello is getting 3 estimates for hoists. These estimates will be presented at next month’s meeting.

Mark Lorello is also soliciting bids for the installation of metal pilings at the public boat launch in Camp Ellis. The piles will be used to support a series of floats to the mean low tide mark. The Contractor will supply and install eight-twelve inch diameter steel pipes adjacent to the paved ramp. The pipes shall be installed in a straight line parallel to the ramp beginning at a point designated by the City's engineer with 10 foot spacing, extending into the tidal area beyond the ramp. Pipes shall be a suitable grade of steel to resist corrosion while immersed in salt or brackish water and exposure to salt air. The pipes will be filled with concrete; the topmost area shall be worked to provide a cone shape cap. The pipes will be driven in the substrate to a suitable depth and extend 10 feet above the
mean high water mark. The contractor will secure all permits necessary to complete the job. It is anticipated that this work will take place in the late fall of this year.

B. Whistle Buoy – Update

No new information.

C. Security Issues at the Pier – Closed Circuit TV System – Update

Director of Public Works Mike Bolduc, and Dep. Director of Public Works Mark Lorello have received one estimate so far from AdvanceTechnology, and are working on getting other estimates from ADT, Seacoast Security, and Freedom Security. On the estimate from Advance Technology, Mike Bolduc and Mark Lorello are looking at trying to save some money, so the estimate is a combined Camp Ellis Fishing Pier & Transfer Station estimate. The scope of work cost for just the Camp Ellis Fishing Pier is $6,976.95.

A copy of the complete estimate is located on page 5 as “Attachment B”.

VI. New Business

A. Enforcement of the new Chapter 118 Harbor, River and Waterfront Ordinance – Update

Commission members are planning on attending the next Biddeford Harbor Commission meeting, which is scheduled for Monday, Aug 21st. This is to let Biddeford know that Saco is willing to work with them and to support them, because they have some of the same issues as Saco, and to try to get a Workshop set up.

B. Pier Use Issues – Vehicles on the Pier/Fuel

Mr. Denis Delage who is a Saco Resident comes to the Camp Ellis Pier Fuel Facility by truck to purchase fuel for his boat that fishes out of Biddeford Pool. Mr. Delage was recently cut off from purchasing fuel, do to a misunderstanding by the Camp Ellis Pier employees that he needed a Commercial Pier Use Permit. The Commission determined that Mr. Delage doesn’t need a Commercial Pier Use Permit, because he doesn’t use the boat ramp, mooring space, floats, docks or hoists.

Todd Stewart moved, Mike Gray seconded to give permission to Denis Delage to use the Fuel Facility as he has for the past 8 years. The motion passed with four (4) yeas, and two (2) abstentions – Robert Morowski and Joseph Stephenson.

C. Abuse of use of the Floating Docks – Stud Shrimp Vessel

The Commission received a formal complaint from a Commercial Pier User that every year the vessel “Stud Shrimp”, is tied up to the floating docks for several days. This vessel is owned by Mr. Donald Sytsma.

Chapter 118, §118-9 of the Harbor, River and Waterfront Ordinance defines Obstructing a Public Wharf, Dock, Landing or Pier as: A person obstructs a wharf, dock, landing or pier if that person intentionally or knowingly 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 allows a vessel under that person’s 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.

When the Harbormaster spoke with Mr. Sytsma, he stated that he was having a steering problem and also his mooring wasn’t ready.

Usually if there is a maintenance problem, then the boat would get tied up to a maintenance mooring. It was determined Mr. Sytsma does pay the Commercial Pier Use Fee, but that in the future if he has a boat problem, he needs to be tied up to a maintenance mooring, rather than tied up to the floating docks.
D. New Permit Classification for a Stearnman Pier Use Permit

Robert Morowski will be drafting language for a new Permit Classification for a Stearnman Pier Use Permit. This will be presented at the next meeting.

E. Letter from Biddeford Harbor Comm. Regarding Buoy in front of Robert Barris’s Property at 47 Ferry Lane in the Lower Narrows

The Biddeford Harbor Commission sent a letter to Mr. Barris asking him if this was his buoy or the Cities, because it was not registered with the U.S. Coast Guard in Boston, Mass., and therefore was considered a navigational hazard.

This buoy is owned by the City of Saco, and the Harbormaster Don Abbott stated that he had filled out the proper paperwork to get it registered, and forwarded it onto the U.S. Coast Guard. The Commission will be forwarding a letter to the Biddeford Harbor Commission to let them know.

A copy of this letter is located on page 6 as “Attachment C”.

F. Wake Issues on the Saco River

Mr. Robert Barris of 47 Ferry Lane will be having a Wedding on his Dock with about 35 people attending on August 19th, and inquired to the Commission whether he could get Saco River Patrol coverage in front of his dock from between 3:45 p.m. and approximately 4:30 p.m. At this time the wake issues being caused in front of his property over the last two weekends has increased to a critical and very dangerous level.

The Commission referred Mr. Barris to the Saco Police Department to see if this request could be accommodated, and that there would probably be a fee for this special coverage.

G. No Wake Buoys on Saco River - Relocation

Mr. Robert Barris of 47 Ferry Lane presented documentation to the Commission of the continued pounding of the wakes to his property in the lower narrows, by the stopping and starting of vessels at this point. It was the consensus of the Commission that they recommend to the Biddeford Harbor Commission that both “no wake” buoys in this area be moved to an area closer to the red nun channel marker; or if Biddeford chooses to move their buoy we could likely remove ours altogether.

Todd Stewart moved, Wayne Hutchins seconded to appoint Commissioner Robert Barris to draft a letter, and the Chairman will sign it and send it off. The motion passed with five (5) yeas, and one (1) abstention – Robert Barris.

A copy of this letter to the Biddeford Harbor Commission is located on page 6 as “Attachment C”.

H. Biddeford Harbor Comm. – Hurricane Precaution Sheet

A copy of the Biddeford Harbor Commission Hurricane Precaution Sheet was handed out to the Commission members.

A copy of this Precaution Sheet is located on page 12 as “Attachment D”.

VII. Adjournment

Todd Stewart moved, Robert Morowski seconded to adjourn at 9:10 p.m.

Attest: Michele L. Hughes, Recording Secretary Date Approved: September 6, 2006
ATTACHMENT A
## Coastal Waters Commission - Camp Ellis FY06 Budget: Updated Through June 30, 2006

### Revenues:

<table>
<thead>
<tr>
<th>Account #</th>
<th>Sub Account #</th>
<th>Account Name</th>
<th>Sub Account Name</th>
<th>Original Revenue Forecast for FY2006</th>
<th>Fiscal Year To Date 2006 Revenue</th>
<th>YTD vs Original Forecast</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Parking Fees</td>
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<td>$34,600</td>
<td>$32,998</td>
<td>(2,612)</td>
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<td></td>
<td></td>
<td>CNRPD</td>
<td>Non Resident for Day</td>
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<td></td>
<td></td>
<td>CNRP5</td>
<td>Non Resident after 5:00PM</td>
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<td>$8,247</td>
<td>(5,753)</td>
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<td></td>
<td></td>
<td>CNRP6</td>
<td>Resident Parking Stickers</td>
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<td>$2,460</td>
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<td></td>
<td></td>
<td>PIER</td>
<td>PIER (Commercial Fee $300)</td>
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<td>$16,500</td>
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<td></td>
<td></td>
<td>DOCK</td>
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<td></td>
<td></td>
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<td>Daily Dock Fees</td>
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<td></td>
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<td>Mooring Fees</td>
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<td>$12,230</td>
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<td></td>
<td></td>
<td>MOORPM</td>
<td>Mooring Permit Fee (12/31/10)</td>
<td>$11,920</td>
<td>$10,120</td>
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<td></td>
<td></td>
<td>MOORFILT</td>
<td>Mooring Late Permit Fee (1/10)</td>
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<td>810</td>
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<td>MOORAW</td>
<td>Mooring Annual Wait Fee (1/10)</td>
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<td>MOORWIL</td>
<td>Mooring Waiting List Fee (250)</td>
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<td></td>
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<td></td>
<td></td>
<td>TOTAL REVENUES</td>
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<td>$75,630</td>
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### Expenditures:

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<th>Account #</th>
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<th>Account Name</th>
<th>Sub Account Name</th>
<th>Original Expenditures Forecast for FY2006</th>
<th>Fiscal Year To Date 2006 Expenditure</th>
<th>YTD vs Original Forecast</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total of all Wages Expenditures</td>
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<td>$12,720</td>
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<td>(2,730)</td>
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<td>Supervisory Wages</td>
<td>(1 x $10.00 x 20 hrs x 14 wks)</td>
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<td>500113</td>
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<td>Temporary/Seasonal Wages</td>
<td>(park lot attendants)</td>
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<td>Dock Master Wages</td>
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<td>$4,900</td>
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<td>500151</td>
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<td>SCWC Secretary Wages</td>
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<td>$1,440</td>
<td>$1,440</td>
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<td>FICA</td>
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<td>Tuition/Training</td>
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<td>(735)</td>
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<td>500334</td>
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<td>$600</td>
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<td>Telephone</td>
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<td>$63</td>
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<td>Office Supplies</td>
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<td>103</td>
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<td>$4,000</td>
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<td>500348</td>
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<td>General Operating Expenses</td>
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<td>500429</td>
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<td>Contracted Services</td>
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<td>$2,600</td>
<td>$2,816</td>
<td>216</td>
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<td>50042A</td>
<td></td>
<td>Toilets, Blow Blowers</td>
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<td>$2,200</td>
<td>$2,818</td>
<td>618</td>
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<td>50042B</td>
<td></td>
<td>Post Control, Alpha Omega</td>
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<td>$400</td>
<td>$-</td>
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<td>50042C</td>
<td></td>
<td>Miscellaneous</td>
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<td>$-</td>
<td>$-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Subtotal before repair/maintenance</td>
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<td>$6,674</td>
<td>(5,626)</td>
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<td>500410</td>
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<td>Repair/Maintenance</td>
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<td>$1,980</td>
<td>(8,020)</td>
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<td>500410B</td>
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<td>Floats</td>
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<td>$5,000</td>
<td>$431</td>
<td>(4,569)</td>
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<td>Boat Cover</td>
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<td>$5,000</td>
<td>$16,938</td>
<td>11,938</td>
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<tr>
<td>500410D</td>
<td></td>
<td>Harbor Boat</td>
<td></td>
<td>$2,500</td>
<td>$655</td>
<td>(1,845)</td>
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<tr>
<td>500410E</td>
<td></td>
<td>Navigational Buys</td>
<td></td>
<td>$1,000</td>
<td>$150</td>
<td>(850)</td>
</tr>
<tr>
<td>500410F</td>
<td></td>
<td>Cranes</td>
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<td>$8,000</td>
<td>$4,755</td>
<td>(3,245)</td>
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<tr>
<td>500420</td>
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<td>Transfers / Miscellaneous</td>
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<td>$-</td>
<td>(100)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Non-Reserved Carry Over</td>
<td></td>
<td>$100</td>
<td>$-</td>
<td>(100)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>TOTAL EXPENDITURES</td>
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<td>$63,839</td>
<td>$48,663</td>
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### Reserves:

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<thead>
<tr>
<th>Account #</th>
<th>Sub Account #</th>
<th>Account Name</th>
<th>Sub Account Name</th>
<th>Fiscal Year To Date 2006 Reserves</th>
<th>Total Reserves Now in Place</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Reserve set up for SCWC</td>
<td></td>
<td>$36,000</td>
<td>$56,500</td>
</tr>
<tr>
<td>13130</td>
<td></td>
<td>Dock Area Reserve ($7,500/yr)</td>
<td></td>
<td>$10,000</td>
<td>$7,500</td>
</tr>
<tr>
<td>13130B</td>
<td></td>
<td>Float Reserve ($5,000/yr)</td>
<td></td>
<td>$10,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>13130C</td>
<td></td>
<td>Harbor Boat Reserve ($2,500/yr)</td>
<td></td>
<td>$5,000</td>
<td>$2,500</td>
</tr>
<tr>
<td>13130D</td>
<td></td>
<td>Navigational Buys Reserve ($5,000/yr)</td>
<td></td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>13130F</td>
<td></td>
<td>Crane Reserve ($5,000/yr)</td>
<td></td>
<td>$10,000</td>
<td>$5,000</td>
</tr>
</tbody>
</table>

ATTACHMENT B
August 3, 2006

Dear Michael:

We appreciate your time and the opportunity to quote your Fishing Pier, and Transfer Station recording and security needs for the City of Saco.

Advance Technology is a full-service security systems integrator. As an authorized factory direct dealer, with multiple factory trained and certified technicians, we offer great service and support. We have built a loyal following by offering good products at a fair profit, and by easing the workload of the end user.

Per our discussions, we submit the following proposal:

**Camp Ellis Fishing Pier**

1. 160 GB Dedicated Micros 4 way DVR w/CD, and networking capability, leaving one port open for future use. (will need Static IP address from ISP for remote access)
2. Pelco lock box and heat strip for DVR (town to provide electrical outlet and cabinet or shelving area to bolt)
3. Ganz day/night 3.5-8mm auto iris mechanical day/night cameras with exterior housing and heater, blower, and shield for (1) up river view of dock and fire boat, and (2) hoist area front of dock.
4. Ganz day/night 8.5-40mm auto iris mechanical day/night camera with exterior housing and heater, blower, and shield for down river view of docks and lobster boats
5. APC battery back-up
6. 24 vac 175va transformer nema enclosure

*West Penn 16/2 aquaseal twisted shielded wire
  " " RG 6 Burial cable

Scope of work cost: $8975.95

**Transfer Station**

1. 80 GB Dedicated Micros DVR w/CD, and networked (will need Static IP address from ISP for remote access)
2. Pelco 10" monitor
3. Ganz day/night auto iris 3.8-8mm exterior cameras with enclosures and heaters (one for gate area and one viewing containers)
4. APC battery back-up
5. Altronix power supply

*West Penn 16/2 aquaseal twisted shielded wire
  " " RG 6 Burial cable

Scope of work cost: $4748.24

Terms and Conditions:

- We provide a one-year warranty, parts and labor. A Platinum extended service agreement is available.
- Payment terms: 30% down: remainder. Net 30 days upon project completion
- Work will be performed during normal business hours, Monday - Friday 7:00 am to 5:00 PM
- Concealed conditions may impact cost of this project. Customer will be briefed and asked to authorize any additional costs.
- Customer to provide dedicated 120v power
- Lighting as needed by others

Should you have any questions, please give me a call.

Sincerely,

Bruce Abramson
207-883-6364 office
207-415-7145 cell

Customer Authorization __________________________ Date ____________
From: Bob.Barris@fairchildsemi.com [mailto:Bob.Barris@fairchildsemi.com]
Sent: Tuesday, August 08, 2006 4:01 PM
To: Cornish, Jon
Cc: Rick Michaud
Subject: Wake Issues On the Saco River

Hi LL Cornish, I need your help.

I live in Saco on the Saco River, on the ocean side of the area called "the Lower Narrows". The wake issues on the Saco River in front of my house is getting worse. I thought the weekend of July 28th and 29th was bad, but this past weekend was even worse. Waking my dock and ignoring the "No Wake" buoy in front of my dock seems to be a game for many boaters. They absolutely show no respect for me or my property. At the beginning of the season they were a little reserved in waking my dock. Now it is out right blatant. When they see me on my dock or out in the yard, they will purposely "plow" while slowing down or speeding up, and then look back at me to make sure I saw it. Some have waved, some have given the "bird" wave. This past Saturday two boaters had even yelled to me that the buoy in front of my dock (Saco's No Wake Buoy) was not a legal "No Wake Buoy" and they didn't have to adhere to a no wake zone.

Well, I have finally lost my tolerance for these continual offenders and will no longer play their game. I would like the wake issues from the continual offenders stopped immediately. However, there seems to be little to no "policing" coverage on the weekends by either the Marine Patrol of Saco River Patrol. When any of the policing patrols are around, the wake issues are negligible. When boaters know there are no policing patrols on the river, its horrible.

So, I really need your help. Would you email me and as to what you and your group can do to help lessen the wake issues? Please note that I have CC'd Rick Michaud (Saco City's Administrator) so he may also be aware of the issue. Please CC Rick on your response so he may help coordinate items with the Saco River Patrol.

As additional information:
There are about fifteen to twenty boats that continually wake my dock every time they pass. The majority of these boats are either moored or docked on the river. I believe they are not boats that are being launched at Marblehead on a daily/weekly basis. Because they are Saco River regulars, the Saco River Patrol or the Marine Marine Patrol may already know or recognize many of the boats. I do have some videos and pictures of these boats. I would be happy to provide you with a CD or hard picture copy of these boats if it would help you resolve this issue.

Here is a small sample of what I have:

Thank you for looking into this. I look forward to what you and your group can do to help resolve these wake issues.

Regards,

Bob Barris
47 Ferry Lane
Saco, Maine 04072
Cell phone: 671-9859
Home: 822-3600
Work: 207-775-6775
I have referred this complaint to the local Marine Patrol officer Daryen Granata. He indicates that he and another officer will be focusing patrols in and around this area the next couple of days and will look at the area on weekends. He was aware of the issue, has worked it in the past and will continue to attempt to have a presence there as time allows. He has also spoken to the local Harbor Master about the problem and will be coordinating his effort with them. I hope we are able to assist you with this problem.

Thank you Jon. I appreciate all the help. I'll continue to monitor this.

If I may, here is some additional information/suggestions that may help Daryen and the Saco River Patrol.

Through my observation this season, I have come to the conclusion that the causes of the wake in this area can be broken down into two major categories:
1) wake caused from boaters "plowing" through this area, and
2) wake caused from boaters "powering up" or "powering down" at the "No Wake" buoys.

In my original email I attached a video clip that represented each of these categories. The video clip where the "lobstermen" continue at a speed greater than headway speed in front of the "no wake" buoy in front of my dock and then right through the "Lower Narrows" is an example of the #1 category. The video clip showing the "tsunami" hitting my boat is an example of the wake left by a boater "powering up" at the "No Wake" buoy located at the ocean side entrance to the "Lower Narrows".

I would guess, that out of all the wake that hits my dock/boat/shoreline, approx 80% is caused from the category 2 wake, i.e. wake caused from boaters "powering up" or "powering down" at the "No Wake" buoys located at the ocean side entrance to the "Lower Narrows" and in front of my property. Because of the high number of wake issues caused from this, I would like to
focus on immediately resolving this issue. Here are some of my thoughts on the issue:

The placement of the "No Wake" buoy

It appears that the "No Wake" buoys in the river were placed to represent where the "safety zones" start and end. In the past, it appears that law enforcement has been focused on making sure that headway speed only was followed in the "marked" zones. With only a few docks located along the shores, and the "marked zones" covering the majority of these docks, the enforcement focus seemed to be in the right area. Unfortunately, the location of the buoys, and the past law enforcement focus have caused the boaters to get into the habit of "powering up" and "powering down" at these buoys. As I believe you are all aware, "powering up" and "powering down" creates wake. Depending on the size of the boat and engine, as well as how quickly they "get up on a plane (hydroplaning)" will depend on how big the wake is. With more and more docks being put along the shores of the river, the wake caused by the locations of the buoys is becoming an increasing issue for the new docks located by these buoys. Because of this increasing issue, I believe that law enforcement needs to start focusing on not only the "headway speed only" in the safety zone law, but also the "no wake to watercraft, piers, floats, or shoreline property" law. And if the "waking" continues to become an issue, then focus should be put on the "harassment" law. And to help alleviate these issues, the cities of Biddeford and Saco should immediately review and address the locations of these buoys.

Now, having said all that, I'd like to focus on the "No Wake" buoys located near my property. As mentioned above, the location of these two buoys account for approx 80% of my wake issues.

The "No Wake" buoy located on the ocean side of the "Lower Narrows":

The location of this buoy is a direct cause of approx 80% of the wake issues to my boat/dock/shoreline property.

In its current location, during the time of an incoming or slack tide, if a boat is heading in the "down river" direction (toward the ocean) and "powers up" at the "No Wake" buoy, the wake caused will most likely hit my boat/dock/shoreline property. As mentioned earlier, an example of this was the video clip previously attached titled "1b-Tsunami caused by Biddeford No Wake buoy". I have more examples if you would like to review them. If the boat is heading "up river" and "powers down", the wake caused will most likely hit the Dolloff's boat/dock/shoreline property.

In an outgoing tide, and a boat is heading "down river" and "powers up" at the buoy, my property may or may not get hit with the wake depending on the height of the tide and the speed of the current flow. However, if the boat is going "up river" and "powers down", in most cases my property will get hit with a wake.

The "No Wake" buoy located directly in front of my property:

The location of this buoy is a direct cause of approx 20% of the wake issues to my boat/dock/shoreline property.

During an incoming or slack tide, when a boat is traveling "up stream" at high speeds towards the "No Wake" buoy, and stops quickly at the buoy, the boat inevitably creates a wake which flows upstream from that spot. This wake, in many instances, will hit my boat/dock/property (I have videos that show this if you are interested).

My suggestion/request for some resolutions:

1) Immediately move the "No Wake" buoy located on the ocean side entrance of the "Lower Narrows".
   My recommendation is to move it to a location that will prevent further creation of wake. My recommendation would be to move it approx halfway between the "red nun" and the "No Wake" buoy directly in front of my property, as well as moving it more toward the middle of the channel.

   I know there will be much resistance from many of the "long time boaters of the Saco River" to adhere to this area as a "No Wake" zone, as opposed to a "Safety Zone", but this is where the enforcement of the laws number 935/13068-A/#7 and # 8 need to be applied (see below attachment listing the laws relating to boating speed).

   ATTN: Rick Michaud: I will be forwarding this email to the Saco Coastal Waters Commission for discussion tonight. One of the members of the Biddeford Coastal Water commission had suggested that the recommendation to move the buoy come from the SCWC and be backed by the City Administrator. The person felt that this would have "more weight" when discussing the issue with Biddeford's CWG. If agreed to by the SCWC, please help in expediting this issue with Biddeford.

2) Immediately move the "No Wake" buoy located directly in front of my property.

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My recommendation is to move it "down river" approx 100 feet. This would alleviate the wake travelling up to my "property". If the other buoy is moved "down river", and this buoy is creating confusion to boaters, I would suggest removing this buoy, and improve the commination of law #7.

3) Focus boaters on all three laws regarding boat speed, not just the "200 feet from shore" law.

Way too many times have I heard boaters say/yell to me that they only have to worry about causing a wake if they are boating with-in 200 feet of shore. They seem to think that as long as they don't create the wake with-in 200 feet from shore they are not breaking any laws. If you think about it, this is disregarding all three of the boat speed laws (for those not directly familiar with the laws, please see attachment below).

So I'm asking that all law enforcement personnel start communicating, explaining, promoting and enforcing all three of the laws. My belief is that law #13 was created with more of an intent toward protecting the boaters and swimmers with-in 200 ft, boats pulling in and out of docks/shoreline, or boaters from hidden ledges along the shore which may be hidden during higher tides. Where as laws # 7 and 8 are intended to protect other boater and property owners from wake and harassment issues caused by other boaters. With all the new docks along the river, laws #7 and #8 are becoming as important to communicate.

And lastly, I'll close by asking... is there anything else I can due to help alleviate these wake issues? For example, Law #8 (regarding harassment) states:

"This subsection may be enforced by any law enforcement officer or a person may bring a private nuisance action for a violation of this subsection pursuant to Title 17, section 2802."

I would think that continually causing wake to my property could be deemed as "harassment". Do you agree? If so, how do I "bring a private nuisance action".

Again, thanks for all your help in these issues. If these suggestions are carried through I believe they will be helping not only me, but also the Marine Patrol, the Saco River Patrol, and all the property owners on the Saco River.

Regards,

Bob Barris
47 Ferry Lane
Saco, Maine 04072
Cell phone: 671-9859
Home: 282-3800
Work: 207-775-8775
Title 12: CONSERVATION
Part 13: INLAND FISHERIES AND WILDLIFE (HEADING: PL 2003, c. 414, Pt. A, @2 (new); Pt. D, @7 (aff); c. 614, @9 (aff))
Subpart 6: RECREATIONAL VEHICLES (HEADING: PL 2003, c. 414, Pt. A, @2 (new); Pt. D, @7 (aff); c. 614, @9 (aff))
Chapter 335: WATERCRAFT AND AIRMOBILES (HEADING: PL 2003, c. 414, Pt. A, @2 (new); Pt. D, @7 (aff); c. 614, @9 (aff))
§13068-A. Operating watercraft; prohibitions

7. Operating watercraft at greater than reasonable and prudent speed. A person:

A. May not operate a watercraft except at a reasonable and prudent speed for existing conditions; and [2003, c. 655, Pt. B, §380 (new); §422 (aff).]

B. Shall regulate the speed of a watercraft so as to avoid danger, injury or unnecessary inconvenience in any manner to other watercraft and their occupants, whether anchored or underway; waterfront piers, floats or other property or shorelines, either directly or by the effect of the wash or wave created by the watercraft through its speed, or otherwise. [2003, c. 655, Pt. B, §380 (new); §422 (aff).]

A person who violates this subsection commits a Class E crime.

[2003, c. 655, Pt. B, §380 (new); §422 (aff).]

8. Imprudent operation of watercraft. A person may not, while operating a watercraft on the inland or coastal waters of the State, engage in prolonged circling, informal racing, wake jumping or other types of continued and repeated activities that harass another person.

A. This subsection may be enforced by any law enforcement officer or a person may bring a private nuisance action for a violation of this subsection pursuant to Title 17, section 2802. [2003, c. 655, Pt. B, §380 (new); §422 (aff).]

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than $100 nor more than $500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

[2003, c. 655, Pt. B, §380 (new); §422 (aff).]

13. Headway speed only. The following provisions govern speeds in certain zones.

A. A person may not operate a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters except:

(1) While actively fishing; or
City of Saco, Maine  
Saco Coastal Waters Commission  
300 Main Street  
Saco, ME 04072  

August 11, 2006

Biddeford Harbor Commission  
Biddeford City Hall  
205 Main Street  
Biddeford, Maine 04005

Dear Commission Members,

At the August 9th, 2006 meeting of the Saco Coastal Waters Commission, Robert Barris, a Saco resident at 47 Ferry Lane (and Saco Commission member) presented us with the letter he received from your board regarding the “No Wake” buoy in front of his property.

For clarification, that particular buoy belongs to the City of Saco and had been placed there by our Harbormaster, at the request of our board, and after the proper paperwork had been sent to the US Coast Guard in Boston, Massachusetts. It was done so because of the effects of the wakes being created in front of Mr. Barris’ property, as well as to his neighbors’ property. Unfortunately, the boating public seems to think that the “no wake” buoys are beginning and ending points, when in actuality they are reminders of the narrowing areas of the river.

Mr. Barris has presented to our board, through video and other means, documented violations in front of his property and outlined to us the impending damage from this. We felt the placement of an additional buoy would help in limiting his exposure to the wake and assist boaters in this area. Since our new ordinance dictates a 300-foot barrier from the shorelines, docks, moorings, etc for headway speed and no wake violations, we felt the no wake buoy would serve an additional purpose.

In discussing this issue at our meeting, it was the consensus of the board that we would immediately recommend that both “no wake” buoys in this area be moved to an area closer to the red nun channel marker; or if you chose to move your buoy we could likely remove ours altogether. There is a sense of urgency with this request, due to the continued pounding of the wakes to our citizen’s property by the stopping and starting of vessels at this point.

We hope that by addressing this issue quickly and repositioning the buoys this week, we will displace the subsequent wakes to an area that has either no adjacent docks or boats, or has enough room to dissipate them. This would also offer us the opportunity to observe through the remainder of the season whether the proper placement of the buoys will change the boaters’ wake behavior when law enforcement is not visible on the river.
and whether the new location of the buoys is the correct location for this section of the river.

I have attached copies of the emails that Mr. Barris sent to the Saco Coastal Waters Commission, Maine Marine Patrol and Saco City Manager in his attempts to get additional enforcement in this area. The emails describe in detail the reason for wanting to have the “No Wake” buoys repositioned and offer an explanation of where he feels that they might be most effective. We would ask your board reposition your “no wake” buoy temporarily while reviewing this information prior to your next schedule meeting.

As an aside, the Saco Coastal Waters Commission has long discussed the need of a joint committee represented by all or part of the members of each Cities’ board to discuss the issues affecting the Saco River. We would welcome the opportunity to sit with your board and discuss this and other issues as we have long felt that given the shared need for harbor management, mooring issues, and enforcement, along with the environmental and economic impacts to our river, a joint venture would be beneficial to both communities.

Thank you for your cooperation and assistance with this matter and we look forward to hearing from you. We view this as the first step toward a cooperative and unified endeavor between the cities of Biddeford and Saco to ensure the most advantageous use of this beautiful resource.

Sincerely,

[Signature]

Joe Stephenson, Chairman
Saco Coastal Waters Commission
(207) 284-9114 (home)
(207) 423-3175 (cellular)
Biddeford Harbor Commission

Hurricane Precaution Sheet

Boat owners should always be aware of short and long range weather predictions as they relate to the Biddeford Mooring areas. You should have a plan in place if it becomes necessary to move your boat due to a hurricane, either by yourself or an agent acting on your behalf. If a hurricane “Watch” occurs you or your agent need to have planned what to do should a hurricane “Warning” occur. Detailed storm information may be obtained online at www.nhc.noaa.gov.

The following steps should be taken when a hurricane warning occurs or you deem it prudent:

**Trailerable Boats**: Haul your boat as soon as possible if there is any question about exposure to storm surge or the security of your mooring equipment. Available local ramps and access conditions:

1. Vines Landing, Biddeford Pool- steep, requires 4 wheel drive, and is exposed to strong current.
2. Biddeford- Marblehead Landing- will be very busy during a storm.
3. Saco- ramp below the dam next to the Saco Yacht Club- steep, difficult to back into, may require 4 wheel drive. Not usable at low tide.
4. Saco- ramp at Camp Ellis pier. Only usable at high tide.

**Larger Nontrailerable Boats**: Moored in or outside at Biddeford Pool or at the entrance to the Saco River should attempt to haul your boat at your boatyard, immediately move to a protected anchorage, or anchor in the Saco River.

Saco River: The following areas are suggested anchorages. Anchor fore and aft with a storm scope of 10:1. You or your agent, and crew should tend to your boat as needed to protect your property. Communicate with someone (a family member) where you have taken your boat. See nautical chart 13287 if you are not familiar with the following areas. **No area below the narrows (Chandler Point) is a safe anchorage due to storm surge and strong easterly winds.**

**Suggested Anchorages:**

1- Upriver of Chandler point between Can 11 and Nun 12.
2- Opposite and mid channel of Marston’s Riverside Marina upriver of Can 15
3- Upriver of Hills Point , the area known as hospital bay or cocktail cove.
4- Downriver from Junkins Point to Nun 16.

Your boat is your responsibility, at some point a hurricane is inevitable, planning will save lives and property!

Thank You
Biddeford Harbor Commission