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, Treasurer Robert Barris, Wayne Hutchins, Todd Stewart, Mike Gray, and Thomas Casamassa. Also present: Council Liaison Sandra Bastille, Public Works Director Mike Bolduc, Deputy Dir. of Public Works Mark Lorello, Public Works Supervisor Dale Shannon and Dockmaster Jerry McMillan. Absent: Harbormaster Don Abbott.

III. Approval of Minutes –March 5, 2008

On page 4, #E – Update on Comprehensive Plan for Saco Bay & Marina Standards. On the 1st sentence, where it says “This is a proposal”, strike the word “This” and change to “There”. Also under the same item, paragraph 3, 2nd sentence, where it says “which is the City of Saco”, strike the word “is”.

Thomas Casamassa moved, Robert Morowski seconded to approve the March 5, 2008 minutes with the corrections noted above. The motion passed with six (6) yeas, and one (1) abstention – Mike Gray.

IV. General

A. 5000 Account Review

No report this evening. The Accounts Payable Clerk is out on leave, and the assistant wasn’t able to generate any reports.

V. Old Business

A. Project Update

Public Works went out for proposals for the pylons project, and on April 22nd, the following 4 bids were received:

- Fore River Dock & Dredge $27,900.00
- Maritime Construction & Engineering LLC $41,999.00
- H. B. Fleming Inc. $92,400.00
- Wyman & Simpson Inc. $94,400.00

The City Attorney was contacted to get his opinion of whether the low bidder, Fore River Dock & Dredges bid could be accepted, because it was incomplete and didn’t meet the bid specifications. The City Attorney said that he would consider there to be only 3 valid bids: Maritime Construction & Engineering, H.B. Fleming Inc., and Wyman & Simpson Inc.

Both Four River Dock & Dredge and Maritime Construction & Engineering were proposing greenheart pylons. H.B. Fleming Inc. and Wyman and Simpson were proposing fusion coated metal pylons.

The original SHIP Grant money received was $144,000, with the city share being $44,000. A total of $48,694.25 is left over from the SHIP Grant money of $144,000. The cities responsibility of that is $14,455.22, and the State’s SHIP Grant share is $34,239.03. If the city goes with the bid from Maritime Construction & Engineering, the total bid was $41,999. The SHIP Grant portion would be $28,979.31 and the city portion would be $13,019.69.

The proposal layout was that the pylons would be set in a straight line parallel to the ramp, beginning at a point designated by the city extending into the tidal area beyond the ramp. The spacing will be as follows: beginning at the ramp 30’ on center for the first 4 piles and 15’ on center for the last 2 piles.

The Commission asked for a clarification of whether there would be any additional costs to change the proposed layout and placement of the piles. Shawn Toomey, representative of Maritime Construction & Engineering, who was at the meeting stated that there would be no additional charge for re-arranging the placement of the pylons.
Chairman Joseph Stephenson asked Public Works Dep. Dir. Mark Lorello that upon notifying Maritime Construction & Engineering of the bid approval, the Public Works get together with members of the Commission to determine a start point, before any work is started.

Mike Gray moved, Thomas Casamassa seconded to award the pylons bid to Maritime Construction & Engineering for a total cost of $41,999. The motion passed with six (6) yeas and one (1) abstention – Todd Stewart.

B. Piling Chaffing

In the March 5th minutes on page 4, #F, states that the pilings are chaffing, and they need to be fixed.

Has this been done yet? Public Works is in the process of putting the floats in, and some chaffing gear with be added soon.

VI. New Business

A. Abandoned Mooring Appeals

Chairman Joseph Stephenson reminded the people present that under the current ordinance regarding abandoned moorings, it states ‘Moorings that are not used for any consecutive three-month period between May 1 and September 30 shall be presumed to be abandoned and be removed at the owner’s expense, and the location shall be reallocated’.

All the people on the abandoned mooring list were sent a letter a couple weeks before the April meeting advising them of the date and time of the meeting to appeal their abandoned mooring before the Commission. Since the April meeting was cancelled, all the people on the abandoned mooring list were contacted by phone, and were advised that the meeting was cancelled and that they would receive written notification as to when the meeting was going to be re-scheduled. All the items on the April Agenda were re-scheduled to the May meeting. Again, letters were sent to all the people on the abandoned mooring list, advising them of the date and time of the meeting, so that they could appeal their abandoned mooring before the Commission.

1. James Bastille – 2 Moorings # 71 and # 72

Mr. Bastille who was present stated that his moorings weren’t abandoned, and that a skiff that belonged to Chuck Johnson was on one of his moorings for a couple of weeks in June. The skiff was being used to be back and forth to Mr. Johnson’s boat, which was on Mr. Bastille’s other mooring being worked on by Mr. Bastille. Mr. Johnson who was present verified that the skiff was on the Mr. Bastille’s mooring. The moorings in question were considered maintenance mooring by Harbormaster Don Abbott. Mr. Bastille can’t get a federal mooring permit, because his moorings are in the federal navigation channel. Mr. Bastille in the past has also allowed the Harbormaster to use his moorings as courtesy mooring, because the courtesy mooring disappeared. Harbormaster Don Abbott has allowed Mr. Bastille to use these moorings as maintenance moorings (specified on the mooring application) since 1997, and signed off on the mooring application each year. One of the blocks is 1500 lbs and the other is 1200 lbs. These moorings are used for small boats.

Chairman Joseph Stephenson re-capped the testimony. Mr. Bastille has stated that he has 2 moorings both have been occupied by boats that do not belong to him. However, the moorings were issued after the applications were filed and the fees were paid and the application was signed off by the Harbormaster. There is a historical presence for the moorings, in fact they were listed as maintenance moorings and all the information was listed on the applications, and attested by the Assistant Harbormaster Dan Chadbourne. The city doesn’t recognize maintenance moorings, and they weren’t legally set or occupied. However, the issue becomes that the Harbormaster approved them.

The members felt that in the future, the Dir. Of Public Works needs to make sure the Harbormaster is correctly applying the ordinance.

Robert Morowski moved, Wayne Hutchins seconded to uphold (in favor of Mr. Bastille’s arguments) the appeal. The motion passed with five (5) yeas and two (2) abstentions – Todd Stewart and Mike Gray.
Chairman Joseph Stephenson advised Mr. Bastille that the current ordinance states that he must have a boat attached to his application for a mooring, and unless it is a Federal mooring, it cannot be used for business purposes. The Assistant Harbormaster Dan Chadbourne agreed to work with Mr. Bastille to get the correct permitting.

2. Walt Gibson – 2 Moorings #408 and #409

Mr. Walt Gibson has 2 moorings, which he has had since 2001. One mooring weighs 2500 lbs, and the other 3500 lbs. Mr. Gibson didn’t have a boat on his moorings at all last year. The Harbormaster pulled them out the prior fall. Mr. Gibson’s boat is not working right now, but soon will be. The boat is a 44’, and holds 49 passengers. Mr. Gibson wants to start running tours on the river. Mr. Gibson told the Harbormaster in the past the moorings could be used as courtesy moorings, and the Harbormaster did use them as courtesy moorings. The last time Mr. Gibson’s boat was one of his moorings was in the fall of the year before. The other mooring was used as a courtesy mooring by the Harbormaster, and has had several boats on it. The moorings were located down river in the Camp Ellis area. There was an issue that brought Mr. Gibson to the forefront, which was his ad on Craig’s List, trying to sell some blocks off. Mr. Gibson stated that people have called him, who have gotten mooring in Saco, and were looking to buy blocks, so if he decided that he could sell them his used blocks, and just go and buy new blocks to replace his. Mr. Gibson’s moorings were never inspected by a mooring inspector. Mr. Gibson is a diver and did his own inspections. Mr. Gibson stated that he listed his inspection on the mooring application, and that it was approved by the Harbormaster year after year. It was noted that there is now a sand encroachment issue where these moorings were originally placed. Mr. Gibson stated that he didn’t care where the mooring were put in the river. Mr. Gibson has already re-applied and is on the waiting list.

Assistant Harbormaster Dan Chadbourne stated that the City accepts mooring fees up until March 15th each year. If you pay before March 15th, the season starts long after that. If you don’t get your mooring in for that period, so know you have an 7 1/2 month span where you had the chance to make a decision to put that mooring in the water or not. So by the time September 30th rolls around if you have made the choice not to put those moorings in the water, then you chose to lose the $220.00 for the 2 mooring permits and you chose to abandon those mooring. Regardless of whether Mr. Gibson paid for the moorings or not, he had ample time to get them ready and in the water. You have a 3 month window in a 5 month period to do something with, and Mr. Gibson chose not to do it. Therefore, the Harbormaster is correct in saying that Mr. Gibson should lose both moorings. The mooring aren’t taken, you are just not allowed to put them in.

Robert Morowski, Mike Gray seconded to deny the appeal on the grounds that the boats haven’t been on the moorings, and we don’t even know if the moorings have been placed in the water for the past 2 years. The motion passed with seven (7) yeas.

Chairman Joseph Stephenson advised Mr. Gibson to work with the Assistant Harbormaster Dan Chadbourne to get his boat in the water, and that his boat needed to be on the mooring.

3. Allen Jordan – Mooring #215

Mr. Allen Jordan wasn’t present to appeal his abandoned mooring.

Todd Stewart moved, Robert Morowski seconded to deny the appeal by default. The motion passed with seven (7) yeas.

4. Roger Pinet – Mooring #411

Mr. Roger Pinet wasn’t present to appeal his abandoned mooring.

Robert Morowski moved, Todd Stewart seconded to deny the appeal by default. The motion passed with seven (7) yeas.

5. Paul Richards – Mooring #507

Mr. Paul Richards couldn’t make the meeting, but he did send correspondence to the Harbormaster explaining what happened as follows: My name is Paul Richards, and I have a meeting next week with you and the board for an abandoned mooring status from last year. Work has scheduled a training class next week in Maryland. I will not be able to attend the meeting that was scheduled. Boat went in later than expected due to a hardware failure. When rigging the sailboat at the house, the spreader broke off when stepping the mast. New spreaders and cables were ordered through...
Portland Yacht Club’s rigging Department. When the parts arrived the boat went through another set up at the house before taking it to the ocean. The boat went in at the end of June when it was ready. The boat stayed in until October. If this does not meet the guidelines and I need to pull my mooring, please let me know, and I’ll set up a time the week after I get back from training to pick it up.

Robert Barris, Thomas Casamassa seconded to uphold (in favor of Mr. Richards arguments) the appeal. The motion passed with seven (7) yeas.

6. Roger Tousignant – Mooring #80

Mr. Roger Tousignant wasn’t present to appeal his abandoned mooring.

Robert Morowski moved, Robert Barris seconded to deny the appeal by default. The motion passed with seven (7) yeas.

C. 2008 Shark Tournament

Mr. David Johnson from the Downeast Shark Tournament realized that they usually hold the Shark Tournament the last weekend in August, and this year, Labor Day falls on that weekend. Because of the fact that that is a busy weekend, he would like to move it to the weekend before. Mr. Johnson wants to make sure that this date change is not an issue with the Commission. The Commission felt that as long as everything is the same as last year, and that there is a police officer present during the event, then they were O.K. with the date change.

Todd Stewart moved, Thomas Casamassa seconded to accept the weekend before Labor Day weekend for the Shark Tournament. The motion passed with seven (7) yeas.

B. Biddeford Harbor Commission Meeting – Report from Saco C.W.C. Representatives

The Saco River Joint City Committee met on April 23, 2008. This was the second meeting. Those present: Jack Dempsey from the Biddeford Harbor Commission, Robert Barris and Joseph Stephenson from the Saco Coastal Waters Commission, Biddeford Police Chief Beaupre, Saco Police Chief Brad Paul and Saco Police Officer Ken Foss. Absent: Barry Flynn from the Biddeford Harbor Commission, Biddeford Assistant Harbormaster Paul Lariviere, and Garon Granada.

Head Way Speed Only Buoys - Biddeford will check out and see if they can order directly to save money, rather than ordering thru a second party. Headway Speed Only Signs - Trying to get a larger size sign. The current size is 2 ft. by 3 ft. There should also be a Headway Speed Only Chart (4ft. by 5ft.) placed at different areas in the river, showing the areas, and the fines for violations.

Brochures – River Patrol will take over the brochures. They will print them out and hand them out.

Aligning Biddeford and Saco’s River Ordinances - Both Police Chiefs are reviewing the ordinances, and they will be trying to join both ordinances together, and they will be presented to the Commissions and City Councils. This should be completed next year. Both ordinances will stay in place for this year.

Boating Classes – Put information out showing all the boating classes that will be offered each year. Videos will also be done by T.A.T.V.

River Patrol Coverage – Both Police Chiefs stated there would be coverage this year. The Chief’s asked for recommendation for hours of coverage. The recommendations were split sessions, 4 hours in the morning and 4 hours at night. Most coverage will be Thursday through Sunday. All heavy times will be covered.

Next Biddeford Harbor Commission meeting is May 28, 2008.

E. Courtesy Moorings

Assistant Harbormaster Dan Chadbourne spoke with Jay Clement from the State. Mr. Clement states that the municipality
can have a federal approved mooring which they can rent if they so choose to a marine contractor. A structure needs to be set in place for this provision in the ordinance.

Robert Barris moved, Robert Morowski seconded recommended that Public Works find out where it can go, how many, and how it will be managed. The motion passed with six (6) yeas, and one (1) nay – Todd Stewart.

F. Mooring Inspection Fee of $50

It was noted that the Commission didn’t endorse the $50.00 mooring inspection fee. In April 2005 the mooring inspection fee was set at $15.00 pass or fail. In June 2007, a $25.00 flat fee was proposed, but didn’t pass. At that point, Commission members stated that they had no problem paying a $25.00 fee, but they expected the mooring to actually be inspected, and a copy of their mooring application signed by the Harbormaster, showing that it was inspected. It was then determined that nowhere in the Ordinance does it state what the Harbormaster should charge, and if the Public Works Supervisor was O.K. with them charging $25.00, the Commission was O.K. as well.

This is a time consuming comprehensive inspection, which also requires paperwork. It was also noted that the Harbormaster is no longer receiving a free $450.00 pier use permit.

Table - Thomas Casamassa moved, Robert Morowski seconded to table this item to later in the meeting. The motion passed with six (6) yeas, and one (1) abstention – Mike Gray.

Chairman Joseph Stephenson came back to this item after the Executive Session.

Joseph Stephenson moved, Wayne Hutchins seconded increase the annual mooring to $125.00 to include the biannual inspection fee. That inspection will include 2 visits by the Harbormaster. Any additional inspection visits will require an additional $25.00 fee. The motion passed with seven (7) yeas.

VII. – Executive Session

Be it ordered that the Coastal Waters Commission, Pursuant to M.R.S.A. 1, §405(6)(A) move to enter into Executive Session to Discuss:

A. Harbormaster Appointment

Wayne Hutchins moved, Robert Barris seconded to move to executive session to discuss the Harbormaster Appointment. Time: 9:25 p.m.

Chairman Joseph Stephenson closed the Executive Session and called the meeting back to order at 10:16 p.m. All members were present.

Joseph Stephenson moved, Robert Barris seconded to Table the recommendation for appointment of Harbormaster until we hear back from the Dir. of Public Works. The motion passed with seven (7) yeas.

VI. New Business

D. Election of Chairman, Vice-Chairman & Secretary

It was recommended that the monthly Agenda’s should be a small as possible, because the Commission takes on way to much stuff each month. The minutes should be gotten out to the Commission to review no less than 2 weeks after the meeting. Members need to take responsibility of helping get some of the monthly work done. Any issues beyond the hoists, pylons, or floats should be taken over by a member and worked on with Public Works directly and reported back to the Commission. The secretary will deal with internal City Hall issues.

Chairman - Barris Moved, Robert Morowski seconded to appoint Joseph Stephenson as Chairman through end of his term. The motion passed with six (6) yeas, and one (1) abstention – Joseph Stephenson.

Vice-Chairman - Thomas Casamassa moved, Robert Barris seconded to appoint Mike Gray as Vice-Chairman. The motion passed with six (6) yeas and one (1) abstention – Mike Gray.
Secretary - Joseph Stephenson moved, Robert Morowski seconded to recommend Todd Stewart as Secretary. The motion passed with six (6) yeas and one (1) abstention – Todd Stewart.

Recording Secretary - Joseph Stephenson moved, Wayne Hutchins seconded to recommend Michele Hughes as the recording secretary. The motion passed with seven (7) yeas.

VII. Adjournment

Robert Morowski moved, Thomas Casamassa seconded to adjourn at 10:45 p.m. The motion passed with seven (7) yeas.

Attest: Michele L. Hughes, Recording Secretary

Date Approved: June 4, 2008