Saco Coastal Waters Commission
Minutes of the November 3, 2009 Meeting

I. Call Meeting to Order – At 7:00 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 Gary Marston, Vice-Chairman Mike Gray, Secretary Robert Steeves, Treasurer Robert Barris, James Katz and Thomas Casamassa. Also present: Harbormaster Daniel Chadbourne, Deputy Director of Public Works Patrick Fox. Absent this evening: Todd Stewart, Council Liaison Sandra Bastille and Dock Master Jerry McMillan.

III. Approval of Minutes – October 6, 2009

James Katz moved, Thomas Casamassa seconded to approve the October 6, 2009 minutes as written. The motion passed with six (6) yeas.

IV. General

A. 5000 Account Review

1) Discussion & Account Summary

Treasurer Robert Barris reviewed the Revenues, Expenditures and Reserves through September 30, 2009. Mike Gray moved, Robert Steeves seconded to approve the account summary. The motion passed with six (6) yeas.

Summary of Saco Coastal Waters Commission YTD Revenues and Expenditures for FY2010

Updated Through September 30st, 2009

<table>
<thead>
<tr>
<th></th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2008 Fund Balance as of 08/30/09</td>
<td>$166,973</td>
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<tr>
<td>Reported FY2009 Revenues as of 09/30/09</td>
<td>$24,528</td>
</tr>
<tr>
<td>Reported FY2009 Expenditures as of 09/30/09</td>
<td>$22,722</td>
</tr>
<tr>
<td>FY2009 Fund Balance as of 09/30/09</td>
<td>$168,178</td>
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<tr>
<td>Minus FY2009 Ending Reserves</td>
<td>$118,000</td>
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<tr>
<td>Minus FY2010 Reserves</td>
<td>$20,500</td>
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<tr>
<td>Minus Reserve for Pylon Project (Maritime Construction &amp; Engineering LLC)</td>
<td>$41,999</td>
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<tr>
<td>Fund Balance Minus Reserves</td>
<td>-$12,320</td>
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A copy of the complete report for September 2009 Revenues & Expenditures is on page 4 as Attachment A.


1) Meetings will start again in the Fall

No joint meetings scheduled yet. Robert Barris read the letter from Officer Christopher Hardiman, of the Saco Police Department, regarding the 2009 Season Biddeford/Saco Harbor Patrol Statistics. Thomas Casamassa moved, James Katz seconded to send a letter from the Commission to the Biddeford and Saco Police Chiefs, Marine Patrol, and Coast Guard Auxiliary thanking them for their work done on the river during the 2009 boating season. Robert Steeves will draft the letters and submit to Michele Hughes for mailing. The motion passed with six (6) yeas.

A copy of the 2009 Season Biddeford/Saco Harbor Patrol Statistics letter is on page 5 as Attachment B.

B. Harbor Master

1) Comments /Issues

Harbormaster Daniel Chadbourne provided the Commission with updates on recovered fees for pier use during September, the status of the sailboat soon to be removed from a sandbar in the middle of the river, and his work with the Army Corps of Engineers to aid them in the inspection of the breakwaters in the river.
V. Coastal Waters Planning
      Deputy Director of Public Works Patrick Fox handed out a form that is being requested by the Army Corps of Engineers entitled “Harbor Information and Navigation Metrics Form” related to the City’s request for dredging of the Saco River. The Commission agreed that the Saco and Biddeford harbormasters should compile the information they already have and the joint Saco/Biddeford Harbor Commission could assist with any further information needed.

VI. Old Business
   A. Pending Requests: Maintenance & Care of City-Owned Waterfront Facilities – Planning Harbor Improvements
      1) Pier Surveillance, Mooring Storage/Identification Signs & Pier Surveillance Equipment Clarity Issue
         These have not been completed yet. Council Liaison Sandra Bastille will check with City Administrator Rick Michaud to inquire whether the cities IT Director David Lawler would be able to go down and test the surveillance equipment for clarity, and see what needs to be done to fix issue.

      2) Camp Ellis Float Dredging
         Saco Public Works and Deluca Hoffman met with Maine DEP on October 27th for a pre-submission meeting to discuss the proposed dredging project. Maine DEP stated that the dredging permit should be approved during December, prior to the Jan-April work period. Permit applications have been submitted to Maine DEP and Saco River Corridor Commission (SRCC). This project will be on the SRCC November meeting agenda.

      3) Upriver & Downriver Hoist Power In/Out Doesn’t Work and Shaft Shows Stress Failure
         Dep. Dir. of Public Works Patrick Fox met with the original design engineer Ted Ocana and an engineer from Woodard and Curran. Once all of the hoist issues were reviewed, Ted provided options for rectifying the defects to the shaft and actuator assembly. Public Works has given Ted Ocana direction as to the option to pursuit and Ted will be providing the City with a new set of contract drawings reflecting these changes within the next two weeks.

      4) Planned Off Season Pier Maintenance
         a. Move Pier Parking Attendant Building Further into Parking Lot to Allow Vehicle Access to Window – Adjust Window if Necessary
         b. Pour Concrete Anchor Pad for Pier Ramp Area floats
         c. Purchase 4 New 20’ Pier Floats for installation at end of April /Relocate 2 Existing Floats to Pier Ramp Area
         d. Run water and 110v/220v Service to Beaching Piles and area cleanup
            Gary Marston provided information to Public Works regarding boat bottom wash water handling requirements that he received from Maine DEP. The Commission discussed putting off the water and electric service due the fact that it may promote activity at the beaching piles that violates these new regulations. James Katz moved, Tom Casamassa seconded to table this project based on the latest DEP requirements. The motion passed with six (6) yeas.

         e. Replacement of Pier Center Hoist Winch Hook to a One Ton Size
            Public Works has the new hook for the center hoist and is waiting for an order of safety clasps for each hook at the pier.

         f. Outside Fender Piles of the Pier
            Public Works will look into cutting 6” or so off the top of the fender piles, and adding plastic caps to the piles.
B. Camp Ellis fuel, dispenser accuracy and pricing- Robert Morowski email
The Commission discussed the report submitted by Robert Morowski describing the pricing of the fuel at the pier.

A copy of the report submitted by Robert Morowski regarding the fuel pricing is on page 6 as Attachment C.

C. 2010 Mooring & Pier Use permits: mailing to 2009 Permit Holders and online
Public Works and the City Clerk office will make sure all mailings this winter are from the new permit applications and guidelines. Given the change in the Pier Use Permit applications those will be mailed out as well as the Mooring Permit Applications that are mailed each year. Both forms will be available online through the city website as well.

D. Reconcile the discrepancies between the current fee schedule and the updated Coastal Waters Commission Ordinance
During the next citywide fee schedule approval the $50.00 pier use fee will be added and some duplicate language will be removed from the Chapter 118 fee summary page.

E. Non-Permitted vessels using the pier
Discussion was focused on item VI. A. (1) and the need to test the clarity of the surveillance equipment.

VII. New Business
There was no new business added to the meeting agenda.

VIII. Adjournment of Coastal Waters
Robert Barris moved, Mike Gray seconded to adjourn at 8:45 p.m. The motion passed with unanimous consent.

Attest: Patrick Fox – Dep. Dir. of Public Works  Date Approved: December 1, 2009
### Total September 2009 Revenues

<table>
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<tr>
<th>CATEGORY</th>
<th>ACCOUNT</th>
<th>Total</th>
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<tr>
<td>PARKING</td>
<td>DAILY DOCKING FEE</td>
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<td></td>
<td>DAILY LAUNCH FEE</td>
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<td></td>
<td>HOURLY PARKING: AFTER 5:00 PM</td>
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<td></td>
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<tr>
<td>MOORING PERMIT FEE</td>
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<tr>
<td>MOORING WAIT LIST</td>
<td>BRADY PALMER: INITIAL ADD</td>
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<td>$2,759</td>
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### Total September 2009 Expenditures

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<tr>
<th>DATE</th>
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<th>ACCOUNT</th>
<th>DOLLARS</th>
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<th>COMMENT 2</th>
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<tr>
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<td>DEERING LBR TRUE VALUE</td>
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<td>DOCK AREA</td>
<td>Telephone</td>
<td>$69</td>
<td>FAIRPOINT COMMUNICAT</td>
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<td>MISC CONT</td>
<td>MISC CONT</td>
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<td>STEWART MARINE INC</td>
<td>4 HOURS BARGE WORK WITH HA</td>
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<td>Off Supp</td>
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<td>Grand Total</td>
<td></td>
<td></td>
<td>$5,059</td>
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To: Sgt. Raynald Demers

From: Ptl. Christopher P. Hardiman

Date: 9-14-09

RE: 2009 Season Biddeford/Saco Harbor Patrol Statistics

The Biddeford/Saco Harbor Patrol has compiled the following statistics for the summer of 2009. Included in this report is the number of arrest reports, rescued vessels, wake zone violations/warning, safety checks/warnings, resource violation checks and assist other agencies.

Harbor Patrol has towed 13 disabled vessels. Three of the vessels were on the Saco River. The remaining vessels were in Saco Bay, or Biddeford Pool. Four of the vessels were in imminent danger as they were either towed off the jetty or shoals near islands in Saco Bay.

Harbor Patrol Officers have conducted 341 safety checks on recreational boaters. 71 safety warnings were issued.

This season there were 217 wake zone violations. 214 warnings were issued and three were summoned.

41 striped bass were measured, with no violations. Three fisherman were summoned for fishing to close to a fishway

Harbor Patrol Officers have assisted the Maine State Marine Patrol five times and Saco Fire Department twice.

Ten boaters were warned for bow-riding and three for operating unregistered boats.

On nine occasions, shifts were split to give the Saco River more coverage on weekend and high traffic days. Also, the hours of operation were greatly varied from early morning patrols to late evening. From mid-June to Labor Day every calendar day was covered with the exception of four shifts, all mid-week days.

Respectfully Submitted,

Officer Christopher P. Hardiman
To: Coastal Waters Commission  
Re: All fuel shed users  

Good Day,  

I understand that there are some questions about the fuel shed at Camp Ellis. As I am unable to attend any meetings at this time, I feel compelled to put into writing a response to those questions.  

1.) Question~ Why do the fuel bills come out in even numbers instead of in tenths?  
   ANSWER~ This is very simple. When you go to the gas station you purchase fuel that is automatically rounded up to the next penny no matter if you only purchase one tenth of a gallon. To make record keeping and pricing easier, I do not round up. But you are still not being charged for anything but the last full gallon that you took. On your next fuel up the tenths just continues into the next gallon. Example: key b-10 takes 100.7 gallons on his meter. He is only billed for the 100.0 gallons that he took but his personal key number meter still records the 100.7 so that the next time when he takes 51.4 his meter shows that the two fuel ups for the week were 152 gallons though he actually took 152.1 gallons. I can bill the users for the tenths of a gallon if they would like but it is only to their benefit that I don't.  

2.) Question~ Why is the fuel more expensive sometimes than other places?  
   ANSWER~ Well that is more complicated, and has multiple reasons for the higher costs some areas. I will break them down for you.  
   A.) As of 4/1/2007 the city of Saco leased the fuel shed to me so they could release themselves of any insurance liability. As a condition of the lease (and to keep the ability to access fuel at the pier) I needed to start a company for the fuel business and PURCHASE INSURANCE, Both General Liability and Hazardous Waste Insurance. This insurance is very costly:  
       1.) General liability insurance for 2009 is $1837.00  
       2.) Hazmat insurance for 2009 for 35000 gallons is $3719.00  
Now this insurance is not really a lot of money for a big marina, gas station or fuel dealer who sells hundreds of thousands of gallons a year, because you can break down the total cost over all the gallons sold. EXAMPLE: if we sold 100000 of fuel we can break down the cost of
the insurance to be:

\[
\frac{100000 \text{ gallons sold}}{5556.00 \text{ cost of insurance}} = 0.56 \text{ cents per gallon}
\]

our usage

\[
\frac{25000 \text{ gallons sold average}}{5556.00 \text{ cost of insurance}} = 0.223 \text{ cents per gallon sold}
\]

As you can see we pay a much larger cost per gallon sold because we use so much less than we used to (15 years ago we used 68000-85000 gallons a year)

B.) Anti-gelling agent; $550.00 to $600.00 per year average

\[\text{cost per gallon sold } 0.024 \text{ cents} \]

c.) Fuel filters; We use about a case to a case and a half a year (depending on the weather) at a cost of $113.88 to $170.82 a year.

\[\text{Cost per gallon sold: } 0.007 \text{ cents} \]

d.) Weights & Measures; it costs $150.00 a year to have the fuel system checked for accuracy and adjusted.

\[\text{Cost per gallon sold: } 0.007 \text{ cents} \]

e.) Tank cleaning; as part of the insurance policy, (and to increase the life expectancy of the fuel system the fuel tank needs to be drained and cleaned every other year. Cost is fixed at $1500.00 + a small amount $150.00 to $200.00 for hazardous waste removal (fuel left in bottom of tank & scum/residue removed by cleaning)

\[\text{cost per gallon sold: } 0.147 \text{ cents} \]

f.) Inspection~ Also a requirement of the insurance company, when we clean the tank we have it inspected; $912.00 which includes a certificate good for two years

\[\text{cost per gallon sold: } 0.037 \text{ cents} \]

g.) I charge .10 cents a gallon for running the fuel shed for the year. That includes billing, receipt books, postage, pens, envelopes, computer time, driving around chasing people for money, repairing the fuel shed, locksmith charges and financing fisherman who think I am a bank.

\[\text{Cost per gallon sold: } 0.100 \text{ cents} \]

Totals:

\[
\begin{align*}
a.) & \quad 0.223 \text{ cents a gallon} \\
b.) & \quad 0.024 \text{ cents a gallon} \\
c.) & \quad 0.007 \text{ cents a gallon} \\
d.) & \quad 0.007 \text{ cents a gallon} \\
e.) & \quad 0.147 \text{ cents a gallon} \\
f.) & \quad 0.037 \text{ cents a gallon} \\
g.) & \quad 0.100 \text{ cents a gallon}
\end{align*}
\]

total cost per gallon: \[0.482 \text{ cents a gallon sold}\]
We are paying .065 cents over rack price per gallon + a surcharge for ultra low sulfur as per new requirements of both the state and federal governments at a cost of .035 cents per gallon. We do not pay any over the road fees or delivery fees or taxes of any kind. As always it is the responsibility of the end user to pay any taxes (sales, income) that are due, as they are purchasing fuel as a wholesaler and at wholesaler prices.

If anyone thinks that they are being charged unfairly or that I should not be charging for servicing the fuel shed, they can come to me and make their case of they can just go uptown to the gas station for fuel. I have never told anyone that they need to purchase fuel from me. And I continue to run this fuel shed a much personal cost to me and my family. The average outstanding balance owed by fuel users and fuel sitting in the tank is $15000.00.

I have offered the city (on several occasions) to have them or someone else take over the fuel shed so that I could release myself of the liability involved (as well as the financial responsibility) but they have refused. So I will continue to provide the fisherman with on demand fuel services at the lowest costs possible. I have also on a yearly basis tried to price compare other fuel companies with the same results.

If you have any questions please feel free to email me and I will provide you with any help or answers that I can.

Thanks for your time on this matter,

Robert Morowski