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: Vice-Chairman Mike Gray, Secretary Robert Steeves, Todd Stewart, James Katz, Thomas Casamassa and Carl Lagerstrom. Also present: Dep. Dir. of Public Works Patrick Fox, and Dock Master Jerry McMillan. Absent this evening: Chairman/Treasurer Gary Marston (Notified), Harbormaster Daniel Chadbourne (Notified) and Council Liaison Jeffrey Christenbury.

III. **Approval of Minutes – June 2, 2010**

James Katz moved, Todd Stewart seconded to approve the June 2, 2010 minutes as written. The motion passed with six (6) yeas.

IV. **General**

A. **5000 Account Review**
   1) **Account Summary & Discussion**

No report this evening.

B. **Joint Saco / Biddeford Harbor Commission Meeting – Report from S.C.W.C. Members**
   1) **No Meeting Scheduled in June**

Former Saco Coastal Waters Commission member Robert Barris reported that there was not a formal meeting due to there not being enough members to have a voting meeting, but there was a general discussion. The joint commission members mentioned that in front of the Saco Yacht Club the moorings are such there doesn’t appear to be a channel. They would like to have a visible channel. It was noted by Todd Stewart that this was brought up last year, and it was explained to them that this area is a federal anchorage and not a channel. The moorings at the Yacht Club haven’t changed in 10 years, and there are fewer moorings now. These moorings are all lined up by GPS. A change can only be made by the US Army Corps of Engineers. Robert Barris noted that the Harbormasters from Saco and Biddeford are aware of this issue, and that they were going to draft a document showing where they think a channel should be, and this would be submitted to the US. Army Corps. of Engineers for approval.

C. **Harbor Master**
   1) **General Comments / Issues**
   2) **Status of US Army Corps of Engineers dredging**
   3) **Planned meeting with Dep. Dir. of Public Works Patrick Fox and Police Chief Bradley Paul to Discuss the Enforcement of Illegal Use of the Pier without a Permit**
   4) **Request from Paul Descoteau (proposed Marina in Camp Ellis) to discuss a compromise on 20 permitted moorings in the mooring field**

No new information on items #1 – #3. Item #4 was TABLED until the next monthly meeting.

V. **Coastal Waters Planning**

A. **Missing Red Daymark at the end of the Saco Breakwater.**
   1) Bob Albert (Aid to Navigation Officer in South Portland) - Temporary solution in place. Bob Steeves and Jim Katz, thanks for your written support.

A copy of the written support from Bob Steeves and Jim Katz are on page 3, as Attachment A.

B. **April 12th letter from the US Army Corps regarding their review of the Saco’s River Harbor and Waterfront Ordinance**
   1) **Member review and suggestions**
This item was TABLED until the next time the commission reviews the Ordinance. It was noted that item #J should be brought to the Harbor Masters attention.

A copy of the letter from the US Army Corps is on page 5, as Attachment B.

VI. Old Business:

A. Maintenance & Care of City-Owned waterfront Facilities

1) Status of Pier surveillance equipment purchase (Saco IT Dept will install)

The equipment has been installed, but there have been some issues with users being able to view the cameras. IT and Public Works have been working to get the issues fixed.

2) Pier maintenance - pending requests
   a. Move Pier parking attendant building further into parking lot to allow vehicle access to window- adjust window if necessary (Permitting not required from SRCC)

The building will be moved for next year’s boating season.

   b. Pursue the SHIP Grant for 2 bathrooms, pump out station, concrete anchor pad for pier Ramp area and floats – Public Works has completed the SHIP Grant Application.

The State called to ask some additional questions, but they haven’t made any decisions as of yet.

Robert Barris noted that there is a proposal to have a public restroom down at Bayview, on Seaside Ave. right by the new planned development that are going in. The reason Mr. Barris brought this up was because since these are also going to be public restrooms, the city will most likely be responsible for the cleanings, so maybe a combined contract could be done for Camp Ellis and Bayview to try to save some money.

   c. Trim and Cap Outside Fender Piles of the Pier

This will be done before the end of the summer.

VII. Other New Business

A. Biddeford-Saco Chamber of Commerce Brochure Rack and Bulletin Board.

No new information.

B. Other New Business

1) Shared Pier Use permits

There was discussion about shared pier use permits, and individuals who may be trying to find a loop hole in order to avoid paying pier use fees. It was noted that on the Pier Use Permit Application, it says that users with a Commercial Pier Use Permit may use the pier and hoists for loading and unloading of any vessel the Permit holder owns. It was also noted that originally when this was discussed and voted on, the intent was that both boats cannot be at the pier at the same time. The following is the original motion approved by the commission in April 2009: Gary Marston moved, James Katz seconded that users with a Commercial Pier Use permit may use the Pier and Hoist for loading and unloading of any vessel the permit holder owns. The Pier Use Permit sticker can be transferred to additional boats the permit holder owns, and must be displayed in the window of the vessel. If the permit sticker is not displayed, a permit and parking fee will be charged. The motion passed with five (5) yeas and two (2) Abstentions – Todd Stewart and Thomas Casamassa.
This is being referred to the Public Works Dept. to ask the Harbormaster to look into boat registrations to see if these individuals are in compliance with the rules. It was noted that both Commercial boat registration numbers for the owner should be listed on the Pier Use Permit and on the lists that shows who has permits.

2) Abuse of City Owned Property – Pennant

On the down-river hoist, it was observed several times that a boat helper went to hook the hook to the traps they were loading, and since they needed both hands to operate the hook, they would drop the pennant from about waist level onto the dock, rather than laying it down. The pennant has been one of the major break-down issues with the hoists in the past. What can be done about this? More discussion about this at the next meeting.

VIII. Adjournment of Saco Coastal Waters Commission Meeting

James Katz moved, Robert Steeves seconded to adjourn at 8:00 p.m. The motion passed with six (6) yeas.

Attest:__________________________________ Date Approved:________________________
Michele L. Hughes, Recording Secretary

ATTACHMENT A

This is a copy of an e-mail dated 6/3/2010

Dear Coastal Waters Commission Members,

I contacted the U.S. Coast Guard Sector Northern New England this morning as requested. I spoke with Chief Petty Officer Bucklan who was aware of the missing aid to navigation at the mouth of the Saco River. He indicated to me that with so many of his staff on duty now for the Gulf oil spill it is difficult to say when they can arrange for either the repair or temporary replacement of the Sharps Rock Daybeacon.

I did impress upon him the importance of this marker especially now in the summer season with so many recreational boaters who may not be aware of the dangers involved in transiting the entrance to the Saco River.

I feel confident from my conversation that they will give this situation priority but Chief Bucklan could not state how soon it would be addressed. He took my contact information and I will update you if I hear anything further.

Sincerely yours,

James M. Katz
Member, SCWC

This is copy of an e-mail dated 6/13/10
As you can see in the attached photo our efforts were successful in having a new (perhaps temporary) buoy placed at Sharps Rocks at the entrance to the Saco River. The new buoy is labeled "4A".

Regards,
Jim Katz
June 6, 2010

Chief Petty Officer Bucklan  
Prevention Department  
U.S Coast Guard Sector Northern New England  
259 High Street  
South Portland, ME 04106 - 0007

Dear Chief Petty Officer Bucklan,

Subject: Missing Aid to Navigation – Saco River Entrance

Following up on your conversation with Jim Katz, the Saco Coastal Waters Commission wishes to focus your attention on a missing aid to navigation. Daybeacon 4A is normally positioned on Sharps Rock at the entrance to the Saco River breakwater. This daybeacon has been missing since at least February 2010, and the outer breakwater and Sharps Rock are submerged at high tide.

With the 2010 boating season upon us, this represents a potentially dangerous situation, even for seasoned, local boaters, who have requested our assistance in raising this issue.

While we recognize the limited resources available due to other ongoing incidents, we believe that the level of traffic entering and leaving the Saco River justifies placing a priority on replacing this aid to navigation.

Thank you for your attention to this matter.

Sincerely

Saco Coastal Waters Commission

Robert A. Steeves  
Secretary
ATTACHMENT B

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO:
ATTENTION OF:

Regulatory Division
CENAE-R-51

April 12, 2010

Dan Chadbourne, Harbormaster
City of Saco
80 Ocean Park Road
Saco, Maine 04072

Dear Mr. Chadbourne:

Thank you for providing me a copy of your harbor ordinance at the harbormasters training in Castine. We've completed our review of the document and offer you the following comments and recommendations. I've also enclosed comments we provided one of your predecessors for your reference.

Our comments are based on our experience in harbors throughout Maine and New England. Please do not feel overwhelmed by them. For the most part you are under no obligation to respond to or adopt them. They are intended to offer you guidance as you continue to refine your ordinance and effectively manage your harbor.

1 Section 118-4, Definitions. Does your definition of float encompass lobster cars? How does the city treat lobster cars? Do they need a permit? Are they even an issue in Saco? Perhaps you capture them in the definition of "vessel". As you know, there is often very little difference between a lobster car and a float. Similarly, there are some harbors where strings of lobster crates take up a lot of space and offer very little above water profile for the unwary boater. Does your ordinance empower the harbormaster to address these cases?

2 Section 118-6, Harbormaster Duties.

   a. The mooring application subsection mentions that moorings that are not used for three months may be considered abandoned and removed at owner's expense. As we discussed in Castine, it may be wise to include some suitable notification process. In other words they'll be removed at owner's expense after notifying the owner in writing and providing him X days to respond or remove the mooring.

   b. I don't see anything that authorizes the harbormaster to review/approve proposals for private or commercial piers, wharves, marinas, etc. This should probably be in the ordinance.

3 General comments.

   a. No fees are mentioned. Also, what happens to the fees? The Corps generally recommends that they go into a harbor management fund for use in harbor related activities.
(harbormaster's fees, municipal dredging, public dock maintenance, etc.) rather than into the general fund where you'll have to compete with new ball fields or a new fire truck.

b. There's no specific policy for accommodating transients. Similarly, there does not appear to be a provision for general anchoring areas. Does the city maintain any transient moorings? If private individual moorings are not being used are they available for transient use with harbormaster approval? What about someone who simply wants to drop anchor for the evening? Where do they go, who do they contact? If this is not an issue yet for the city, I recommend that they become proactive and anticipate this use by adopting a policy.

c. Is there an actual harbor plan that accurately plots moorings, channels, fairways, anchorages, etc. on it? Without such a plan it is very difficult for the harbormaster to effectively do his job. Some towns have had their waters flown at peak boating season in order to establish a baseline map.

d. I recommend that the ordinance make it very clear that Corps and often State DEP permits are also required before certain work can proceed, particularly for piers, ramps & floats (seasonal or permanent).

e. You may want to specify that private moorings may not be rented without prior written approval from the harbormaster and the Corps of Engineers.

f. As you know, the US Coast Guard posted new recommendations in 2001 concerning the color of mooring balls. You may or may not wish to include this in your ordinance. An alternative would be to state that all moorings must also comply with USCG regulations.

g. The Saco River, unlike other harbors, supports a Corps of Engineers Federal Navigation Project ("FNP"), specifically a Federal channel and several anchorages. I just want to remind you that no structures (piers, floats, etc.) may be authorized that encroach upon the FNP. In most cases these structures must be set back a minimum of three times the authorized FNP depth. Similarly, Corps policy prohibits rental or service moorings from being located in an FNP. Furthermore, the town must maintain these areas open to all on an equal basis and cannot, for example, charge different fees for residents and non-residents or make mooring assignments based on residency. It is unclear from your ordinance whether Saco is in compliance with these requirements.

h. You may wish to state in the ordinance that the harbormaster is authorized, and in fact encouraged/required, to attend the annual harbormaster training by the Maine Harbormasters' Association.

i. This ordinance does not appear to reflect any real management plan or goals for the waters of Saco. The town should become much more proactive in this area since boating activities and the associated pressures continue to increase. Should certain coves or areas within Saco waters be set aside for specific user groups e.g. fishermen who need unimpeded access to a
town landing? Should local channels and transient/general anchorage areas be formally established? Should certain areas not contain rental or commercial moorings? These are just some of the things you and the harbor committee should be thinking about and incorporating into your ordinance.

j. Public/municipal access to town waters may or may not be an issue for Saco. While this is not necessarily an ordinance issue, it should be a regular agenda item at harbor committee meetings and the annual town meeting. All opportunities should be pursued for developing and/or retaining public access including easements, purchase, land donations, grants, state/local partnerships, cooperative agreements with fishermen, etc. Public access is under regular threat from competing boating interests, private property owners, and ever increasing waterfront property values.

k. In the past, Falmouth, Bristol, and other towns have printed a short list of their rules & regulations on an informational 3-fold flyer. Although clearly not complete compared to the full ordinance, the basic idea of a flyer/handout is sound. It would provide you something short and to the point that could be handed out to boaters at the landing or to anyone stopping by the town office.

j. You should be aware of an issue that is broadly being discussed throughout the State. Most coastal communities do not have US Coast Guard designated special or general anchorages. As such, the rules of the road dictate that vessels on a mooring must have visual and audio signals at night and during poor visibility. Vessels moored within a US Coast Guard designated anchorage are exempt from this requirement. Obviously this is not being enforced by the US Coast Guard but none-the-less, the rules apply. Falmouth had an incident where a boater was returning from Portland and hit a moored boat that was located outside their designated anchorage. Liability issues were tossed back and forth by the various parties and their insurance companies. For information, please contact John Mauro with the Coast Guard, at 617-223-8355.

Thank you for the opportunity to comment on your ordinance. If you have any questions concerning this matter, please contact me at 207-623-8367 at our Manchester, Maine Project Office. I'm also available to meet at a future harbor committee meeting if that would be of assistance.

Sincerely,

[Signature]

Jay L. Clement
Senior Project Manager
Maine Project Office