Saco Coastal Waters Commission
Minutes of the August 4, 2011 Meeting

I. Call Meeting to Order & Roll Call of Members – At 7:00 p.m. a Saco Coastal Waters Commission meeting was held at City Hall. The members present constituted a quorum. The members present: Chairman Gary Marston, Secretary Robert Steeves, Thomas Casamassa and John Nickerson. Absent: James Katz and Treasurer Carl Lagerstrom (Notified). Also present: Harbormaster Daniel Chadbourne, Dockmaster Jerry McMillan and Assistant Dockmaster Norman Spaulding.

II. Approval of Minutes – July 7, 2011

Thomas Casamassa moved, John Nickerson seconded to approve the minutes of July 7, 2011 as presented. The motion passed with four (4) yeas.

III. 2011 Capital Work Plan Updates

A. Pier Parking/Park and Pay/Staffing Schedule

Violation tickets being issued has quieted down a bit. An increase of staffing has occurred surrounding whale watch departure times and tuna landings.

B. New Building/Key Solution

Keys to the restrooms have been distributed to approximately 6 pier use permit holders to unlock the restrooms upon arrival at the pier in the morning. Keys to the mechanical room will stay with Public Works for now. If access is needed Public Works would like to know why in case it shows some underlying problem with the electric services or cameras. To reduce the need for access the outlets along the pier were changed to GFI outlets, instead of the previous GFI breaker that was in the mechanical room.

Robert Steeves moved, John Nickerson seconded to ask Public Works to consider providing 2 more keys to the mechanical room to Thomas Casamassa and the Harbormaster. The motion passed with four (4) yeas.

AMENDMENT - Robert Steeves, John Nickerson seconded to also secure the lock so that it can’t be opened by a credit card or other device. The motion passed with four (4) yeas.

C. Cut Fender Piles – Overhead Lighting

Overhead lighting is fully operational and the fender piles were cut down to the pier deck elevation. The cutoff piles were rotted and soft around the edges however the center 6” diameter still seemed to be very solid. Some of the fender piles are only 8” thick, and some holes may need to be drilled into them. The commission noted that the lighting looks state of the art, it really brightens up the entrance and that they did a nice job.

D. Ramp/Ramp Floats – Site Visit

Harbormaster Daniel Chadbourne has taken a very active role in establishing the best ramp system for our needs. Perhaps the site visit can be coordinated with the completion of his work.

Boat Ramp Construction Plan – The Harbormaster reviewed the proposed boat ramp construction plan. The existing ramp is 82’ long from the crest of the parking lot to the bottom of the ramp. The Harbormaster has projected out another 22’ to get rid of the bump on at the bottom of the ramp. So it will be out to 104’ now and it makes a nice slop. Right now it is 29’ from the edge of the pilings to the edge of the existing ramp, so 3 of these 10’ wide concrete planks could be run across, and then you would go the whole length. Basically, the existing foundation becomes the planks, grade the area, then the new planks will be put down and it will be done.
would provide 31’ level on this plane all the way down. The floats are 8’ wide so the floats will not need to be modified. This will require a permit from the Saco Code Enforcement Dept. and DEP and these need to be sent to Jay Clement at the US Army Corps of Engineers for their approval.

The Harbormaster has spoken to George Powell from the Dept. of Conservation and explained to him the plans for the ramp. Mr. Powell’s response was that they do make grants for concrete planks for owners of public recreational facilities, if they have any available. If the city enters into an agreement with the Dept. of Conservation, we have a couple of concerns with the Camp Ellis facility. First, it is my understanding that the ramp is only usable during part of the tidal range do to the mud flats. This is a concern as non-resident users might be aware of the ramp limitations and find themselves stuck in the river. Does the city have plans to dredge a channel to the ramp to make the low tide accessible? Secondly, there seems to be very little parking available for the tow vehicle trailer rigs. We would like to work with the city on the project and enhance the recreational boating for Saco Bay. The Harbormaster responded that the city strips the parking lot the way it is so that we can maximize the cars at dinner time and he would bring this information back to the Commission for their review and suggestions. The commission agreed that the Harbormaster’s proposed boat ramp construction plan is a good plan.

IV. 2012 – Annual Public Works Capital Request/Work Plan
A. Continue Item Identification

The item identification plan presented last month was reviewed again, but there were no significant changes. The only change was to reclassify the ‘seek bid to replace 28 pier piles as per motion dated April 6, 2011’ from a ‘safety issue’ to a ‘pier issue’.


A copy of the Camp Ellis Statement of Revenue and Expenditures as of June 30, 2011 is on page 4 as Attachment A.

VI. Coast Waters Planning
A. Fall River Clean-Up

No new information.

VII. Other New Business
A. Harbormaster Updates

These were discussed above.

B. Security Camera Near Parking Machine – Site Visit

Robert Steeves moved, Thomas Casamassa seconded to request that Public Works schedule a site visit to include members of the commission to help identify appropriate positions of the security camera(s). The motion passed with four (4) yeas.

C. Letters to Mr. Marston from Mayor Ron Michaud

Hoist Issues - A copy of the letter from the Mayor regarding the hoists issues is on page 5 as Attachment B.

Resignation of Todd Stewart from Commission - Chairman Gary Marston noted that the Mayor also sent former Vice-Chairman Todd Stewart a thank you letter for his 6 years of dedicated service to the commission. The commission also agreed that Mr. Stewart was a dedicated member of the commission and wished to thank him for his service as well.
D. Pier Use Permit application: Revisit wording of item #15

It was determined to leave this the way it is currently written.

E. Diesel Fuel System

A gentleman signed up to buy fuel, and he was informed by the Dockmaster Jerry McMillan and Dep. Dir. of Public Works Pat Fox that he needed to have a pier use permit or needed to pay the daily pier use fee like everyone else. If the gentleman is only going to be getting fuel 2 or 3 times during the year, than he can buy a Recreational Pier Use Permit and come in after all the Commercial Pier Users had left for the day and get fuel.

Pump Upgrade - The city owns the equipment and leases it to Robert Morowski and he is responsible for managing it. At times there are people who are pumping fuel, but not paying their bills in a timely fashion. There was discussion about seeing if Public Works could look into upgrading the pump equipment so it would be more reliable and a possible new metering system for the fuel.

F. Other Items

Bathroom Cleaning Costs – Is the money for cleaning the bathrooms coming just out of the 2000 Account, or is it being shared? At this time it is coming just out of the 2000 Account, but once there are permanent bathrooms at the Bayview, this would probably be a shared expense with the Parks & Recreation Dept.

There was also discussion about how people are getting parking permits when don’t live in Saco. It was noted that there is a seasonal non-resident permit for $100 and a monthly non-resident permit for $30. Also some people are getting the permits and giving them to relative and friends to use as well, which they should not be doing.

VIII. Set Next Meeting Date and Agenda

The next meeting will be held on Thursday, September 8, 2011.

IX. Adjournment of Saco Coastal Waters Commission Meeting

Thomas Casamassa moved, Robert Steeves seconded to adjourn at 8:58 p.m. The motion passed with unanimous consent.

Attest: Michele L. Hughes, Recording Secretary Date Approved: September 8, 2011
# Camp Ellis
## Statement of Revenue and Expenditures

City of Saco  
As of June 30, 2011

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<tr>
<th></th>
<th>June - September 2010</th>
<th>October - December 2010</th>
<th>January - March 2011</th>
<th>April - June 2011</th>
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<td>Resident Stickers</td>
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<td>Pier Permits</td>
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<td>350</td>
<td>2,800</td>
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<td>Daily Pier Use &amp; Late Fees</td>
<td>500</td>
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<td>-</td>
<td>100</td>
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<td><strong>Total Revenue</strong></td>
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<td><strong>Expenditures</strong></td>
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<td>Wages</td>
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<td>4,095</td>
<td>22,562</td>
<td>82,825</td>
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<td><strong>Net Change in Fund Balance</strong></td>
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<td>(4,070)</td>
<td>(9,607)</td>
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**Beginning Fund Balance FY11**  
156,123

**FY 11 Activity**  
(72,201) (1)

**Ending Fund Balance FY11**  
83,922
July 21, 2011

Dear Mr. Marston,

Thank you for your letter regarding the two new hoists at the pier. I contacted staff at Public Works regarding the hoists and provided them with your letter of April 17, 2011. Your letter accurately notes the history of problems we have experienced with the hoist. The downtime and constant need to modify the units and the cranes has been frustrating for everyone. The remedy that you suggest in your letter is to litigate against the company or companies involved with the design and manufacture of the custom hoists. While I understand the commission’s frustrations, there a number of issues that would complicate the cost recovery process; for example:

- Did the designer and manufacturer know how the hoists would be used (i.e. dragging bait barrels off a truck)?
- How do you prove if the problem lies with the design or the manufacturer?
- Who will you recover the money from? The designer, OEST, has been acquired by another firm and is no longer in business.

According to Public Works, a major obstacle in proving the case is the way the hoists were being used. Reports from fishermen using the hoist, claim they were routinely used to pull loads of bait and ice from a truck-laterally, dragging them over the truck bed. This use was not considered in the design and, therefore created a significant amount of stress to the crane(s) which became evident only after they were built and put into daily use.

One of the sub-consultants on the design was contacted by Public Works to perform modeling on the hoist to determine the problem and formulate a solution. The modeling showed the stress on the attachment points were significantly higher than designed for because of the torque created by the lateral movement noted previously. Fortunately we were able to have this work completed at no cost to the City. The parts were manufactured and purchased and the hoists are now operational.

In order to have any hope of success in litigating the issue, the City would need to establish clear and convincing evidence that one or more parties to the action were directly responsible for the alleged failure of the product to perform as designed or manufactured. Proving product failure is problematic because there were a number of parties involved. The
designers, the fabricator, and the end users all appear to have played a part in the crane’s failures. The city would also need to have experts determine the damages. Given the complexities and challenges in proving our case versus the potential damages that could be awarded plus the legal fees to be incurred, it does not appear to be a fiscally prudent action to pursue.

Let me conclude by saying thank you to the commission for your tireless efforts on behalf of our community. We are fortunate indeed to have a group of citizens willing to give of their time and efforts, always working to insure that our waterfront is maintained in a cost effective and efficient manner.

Sincerely,

Roland Michaud
Mayor