

**FALMOUTH HARBOR COMMITTEE
MEETING MINUTES
APRIL 9, 2009**

ROLL CALL:

Present: Paul Dobbins, Chairperson Stephen Archambault, Jay Hallett, Richard Garrett, Manny Kourinos, Chief Edward Tolan, Lieutenant John Kilbride, Kim Maxfield-Fearon
Absent: Bill Oliver, Pete Leavitt

CHAIRPERSON COMMENTS:

Chairperson Archambault gave the annual Chairperson's report to the Town Council at their 3/23/09 meeting. Chief Tolan introduced the recommended change in the ordinance allowing motors on the dinghies at that same meeting.

Reminder, Saturday 4/11/09 is "Dinghy Day" anyone who wants to participate is welcome.

Chairperson Archambault received a letter from Eric Pederson expressing concern over the activities at the town landing. This letter was distributed to the members of the committee.

ITEM I: Review/Approve Minutes of 3/12/09 Meeting

Chairperson Archambault moved to amend the minutes of the 3/11/09 meeting to note that Lucy Couture of Diver Down presented a letter to the Committee concerning the relocating of moorings in the Anchorage. It should also be noted that the Chair accepted the letter from Lucy, advising her that because the letter contained numbers relating to the costs of relocating moorings anchorage wide, and because no formal request had been made for bids by the Committee or Town, that he would take the letter and keep it, unopened, until such time a decision was made to put the relocation project out for bid(s).

Chairperson Archambault made a motion to approve the amended minutes of the 3/12/09. This was seconded by Richie Garrett/Jay Hallett – voted – unanimously approved.

ITEM II: Public Comment

None

ITEM III: Harbormaster Report

Lieutenant Kilbride presented the Harbormaster's Report in the absence of the

harbormaster.

Moorings:

Total	1216
Received	997
Not Renewing	42 (see breakdown below)
New Moorings	8 (Handy Boat, PYC and 1 in Presumpscot River)
Waiting List	97

Not Renewing by Access Location

Town Landing	14
Handy Boat	15
PYC	3
Private	10

Late Notices:

Late notices were mailed on 4/1. Approximately 37 applications have been received since that date with corresponding fees.

Boats and Floats:

The “Roberge” and commercial floats are being put in on Friday, 4/10. Original date was for Monday 4/6 but because of the pending storm and high winds, it was postponed. The rest of the floats will be put in the first of May.

Town Dinghies:

We have picked up the four new town dinghies. Southpaw Signs is making the graphics for the side and we are numbering them 1-6 to make it easier to keep track of them should they get lost or stolen.

ITEM IV: Unfinished Business

- A. Continue Review of Long Range Management Plan / Develop Specific Recommendations for the Town Council.

Chairperson Archambault recapped the decisions made by the Committee at the March 12th meeting and passed out his outline on the decisions. He touched on the highlights:

Repositioning of boats in the anchorage: The Committee agreed to support the repositioning of the mooring field. There was brief discussion on the current situations and the number of mooring holders not renewing their permits. In the short term this may help with the congestion but it was agreed on the whole that the repositioning would make a safer and

more efficient mooring field should the time come that more moorings be added to the anchorage.

Parking: The Committee supports developing additional parking. Currently the Town Council has no plan to create an additional parking lot. There was discussion on attempting to develop additional spaces with the loss of parking spots due to the upgrade on Johnson Road. Chief Tolan added that he and the Town Manager and the Public Works Director had gone and looked at the area and there may be places where a limited number of parking spaces could be added.

Jay Hallett expressed concerns about any push to move people off the waiting list and he was assured that, at this time, there is no plan to add any new moorings due to the current congestion.

Dinghies: The Committee voted unanimously to recommend that the dinghy situation remain status quo. It was agreed by the Committee that the current dinghy procedure was working sufficiently. With the addition of 4 new town dinghies and the proposal to allow motors on dinghies, there should be additional relief for mooring holders.

Launch Service: The committee realizes that, at this point in time, the launch issue will not be a major concern until many other issues are addressed and resolved and there is a major move to expand the total number of moorings placed in the anchorage.

Richie Garrett made note that he does not support the proposal to allow motors on the dinghies due to environmental reasons.

Chief Tolan informed him that the rangers would be policing the area and making sure there were no gas cans left and that the dinghies were safe and not a hazard. With the dinghy permits, it is easy to find the owners of the boats and make them take responsibility for any damage caused by their dinghies.

B. Adding Floats to the Commercial /Launch Area

The floats are due in this week. Chief Tolan and Harbormaster Alan Twombly would like to wait and see if there is room to add any more floats.

There was discussion on the costs of adding floats and some brief discussion of the possibility of repositioning the current floats to maximize their uses.

Chairperson Archambault has made some exploratory calls on dredging the area but has not received any replies.

It was also brought to the attention of the Committee that in order to add any more floats, permission must be granted by the Army Corps of Engineers.

ITEM V: New Business

A. Leeber Appeal

Mr. Leeber was not present during the meeting. The harbormaster believes that Mr. Leeber misrepresented his affiliation with Handy Boat to the former harbormaster by telling him that he was paying fees to Handy Boat and accessing his mooring through them. He approached the current harbormaster and told him that he was not renewing his membership to Handy Boat and would like his mooring moved closer to the Town Landing. It was discovered that he had not been a member and that it appeared he was attempting to bypass the waiting list. The harbormaster would like to deny his permit and pull his mooring. Mr. Leeber is appealing this decision.

Richie Garrett made a motion to deny Mr. Leeber's appeal and to support the harbormaster's decision to pull the mooring and deny his permit. Paul Dobbins seconded the motion. It was voted unanimously to support the harbormaster and deny Mr. Leeber's appeal.

B. New Business

Brian Preney has asked that the late fee be waived for him due to financial hardship. He admitted that he had received the permit forms on time and that he was unable to pay at the time. He would like to pay the \$50 fee but asks the \$100 late fee be waived.

The fact that already 37 people have paid their late fees and there were 200 more who will potentially be paying theirs. There was a lot of concern that this would open up "a can of worms" and the Committee would be overrun with appeals from mooring holders to waive their late fees.

There was discussion on taking each case on an individual basis and that the economic times are very tough and perhaps some leniency might be in order.

After continued discussion, Richie Garrett made a motion to waive Mr. Preney's late fee due to hardship and Paul Dobbins seconded.

There was continued discussion about the other mooring holders in the same situation. There was counter discussion on taking each case individually.

Mr. Preney felt that if the fee wasn't waived he would pull his mooring and access the harbor via the Town Landing launch.

Discussion continued and Mr. Preney decided he would just pull his mooring and left the room.

Discussion continued and after a brief explanation on the history of the late fee, the vote was taken: Richie Garrett, Paul Dobbins and Manny Kourinos voted in favor, Stephen Archambault and Jay Hallett opposed. The vote passed 3-2.

Discussion continued on the repercussions of allowing this and Steve Archambault made a motion that in light of the discussion and possible repercussions and in light of the fact that Mr. Preney had walked out saying he would pull his equipment that the vote be overturned and the appeal denied. Jay Hallett seconded the motion.

There was continued discussion as to Mr. Preney's lack of attempt to work out any arrangement prior to the passing of the deadline and the fact that he only asked to appeal the decision a few hours before the meeting. Chairperson Archambault feels that at all comes back to personal responsibility and that Mr. Preney should have made earlier attempts to work this out instead of waiting until it was too late.

A vote was taken and it was unanimously decided to overturn the original motion and deny Mr. Preney his appeal.

ITEM VI: Confirm Date for May meeting (5/14/09 8:00 AM Falmouth Police Station)

ITEM VII: Adjourn

Jay Hallett made a motion and Paul Dobbins seconded, it was voted and unanimously approved to adjourn at 7:30 PM.

Respectfully Submitted by:
Kimmerly Maxfield-Fearon
4/9/09