

HARBOR/WATERFRONT COMMITTEE MEETING
May 5, 2011 8:00 AM
Falmouth Police Department

ROLL CALL

Present: Richard Garrett, Chair; Jay Hallett; Paul Dobbins; Richard Craven; Peter Thornton; William Oliver; Emmanuel Kourinos; Alan Twombly, Harbormaster; Kimmerly Maxfield-Fearon

Absent: Fred Chase, Town Council

Members of the Public: 2

I. CHAIRPERSON'S COMMENTS

Meeting will be adjourned no later than 9:30 AM as the harbormaster must leave for an appointment.

Falmouth sailing team finished 4th in a regatta and they will be participating in a national regatta.

Website has not been updated with new committee members. The update should show:

Richard Garrett, chair; Manny Kourinos; Jay Hallett; William Oliver; Paul Dobbins; Richard Craven; and Peter Thornton

Thank you to everyone that participated in "Dinghy Day". Chairman Garrett doesn't see a need for this as all the dinghy permits were not sold. There was very brief discussion on the merits of holding the opening day on a Saturday as opposed to having people overwhelm the town hall employees.

There was a question as to why the decline in the sale of dinghy permits and it was pointed out that the town owned dinghies and the economy may have something to do with it.

It was suggested that private dinghies be banned but it was pointed out that you must be 18 to use the town's dinghies and that would limit access for some residents to their boats.

II. REVIEW/APPROVE MINUTES OF JANUARY 3, 2011 MEETING

Jay Hallett made a motion to approve the minutes of the January 3, 2011 meeting, William Oliver seconded it. It was voted unanimously to approve the minutes.

III. PUBLIC COMMENTS

Laura Williams of Woodville Road wanted to discuss the possibility of banning dogs from the town beach. She complained that the owners do not control or clean up after their dogs.

William Oliver questioned whether that was a Harbor Committee or law enforcement issue. Ms. Williams said that Town Councilor Chase had directed her to the committee with her concern.

The town currently has a leash law which needs to be enforced. There is no ordinance for cleaning up after your dog but there is one being worked on currently.

Discussion revealed that the ordinance is in the works, and that it will be a Town Council decision.

Jay Hallett made a motion that the Harbor Committee supports an ordinance that people be required to clean up after their dogs, Paul Dobbins seconded it. It was voted unanimously that the committee support the proposed ordinance.

Russell Edwards who owns the area between the high and low tide marks at Underwood Beach has requested and been denied a mooring. This issue is already on the agenda under New Business.

IV. HARBORMASTER REPORT

Moorings

Total	1096
Received	1058
Not Renewing	36
Status Pending	37
Aquaculture	4
New Moorings	21
Waiting List	

Not Renewing by Access Location

Town Landing	8
Handy Boat	11
PYC	12
Other	5

Wait List

Resident	68
Nonresident	44

Late Notices

Final late notices were certified mailed on April 27th.

Floats

All floats are in as of Thursday, May 5th

Pump Out

The pump out sustained minor damage during the October storm. Wastewater made the necessary repairs and the pump out is now operational.

Float extension will also be added.

V. UNFINISHED BUSINESS

None

VI. NEW BUSINESS

A. Russell Edwards Appeal to Mooring Denial

Mooring was denied Mr. Edwards as there is no residence on the property that he owns, nor is there access to the beach. A residence is a requirement of the town ordinance for riparian land owners. There is a concrete block off of Underwood Beach that Mr. Edwards wishes to rebuild a gazebo that had been there in the past and put a float there for people to park their dinghies and add a boardwalk from the gazebo to the high tide mark. Mr. Edwards has a deed showing that he owns the property from the high tide to the low tide marks at Underwood Beach. The concrete block is 50 feet from the high tide mark. This is where Mr. Edwards plans to build a boardwalk, rebuild the gazebo and add a float.

There was discussion about Mr. Edwards' property, access issues, etc. but finally it was pointed out that the question here was whether to send him to the council or support the harbormaster's decision.

Mr. Edwards pointed out that he attempted to get this issue through before the ordinance went into effect and that he was then steered into the opposite direction by Richard Garrett.

William Oliver made a motion to support the harbormaster's decision to deny Mr. Edwards a mooring. Richard Craven seconded it.

Richard Garrett, William Oliver, Peter Thornton and Richard Craven voted to support the harbormaster's decision.

Paul Dobbins, Jay Hallett and Manny Kourinos abstained. The reasons are listed:

Paul Dobbins: Does not have enough background on the issue of access and deeds, but feels he may have been grandfathered.

Jay Hallett also feels the same.

Manny Kourinos also feels the same but feels that Mr. Edwards started his dialog before the ordinance of needing to have a residence was passed.

Richard Garrett asked what his next step and was told by the harbormaster that he would have to appeal to the Town Council.

Jay Hallett suggested he get on the waiting list.

Peter Thornton suggested he try ZBA as well.

B. Use of Moorings by Others

Richard Garrett recommended that the members of the harbor committee stop in on the harbormaster to see what is going on at the harbor.

Private people with Army Corps of Engineers permits can rent/share their moorings. There was an issue in another part of the state in which someone's boat broke free and caused damage to the boat. There was then the issue of the town being held liable for the damage claim was that the mooring was unsafe. The Portland Yacht Club does this when regattas come up. The question is where is the Town's liability in this practice? The town attorney said that the practice needed to be stopped plus they may need Army Corps permits. In checking with the Army Corps of Engineers, it was discovered that as long as they didn't charge for the service, they didn't need permits.

To protect the town, it was suggested that the owners write a letter assuming all liability.

Richard Garrett said that sounded good but if the Portland Yacht Club and Handy boat had that privilege then all other mooring holders would also have the same right as long as he signs the same paperwork.

William Oliver explained that they charge a facilities fee which includes the use of the launch, moorings, restaurant, laundry etc. Harbormaster recommended that the mooring use be taken out.

It was discussed that all other mooring holders should have the same rights as long as the harbormaster approves and/or they have the proper permit.

It was recommended that the town attorney write up a waiver.

There was discussion on transient uses of moorings. It was suggested that 7 days be the limit for someone to use a mooring that is not their own. It was also suggested that the Town Attorney write up a waiver letter for those that want to share their moorings.

It was decided that this waiver should be written up, and the issue should be addressed to the Town Council in the fall for an ordinance change.

C. Mooring Tackle Requirements

Discussed the pros and cons of using the new technology in mooring tackle along with the old. There was not a lot of knowledge about this new equipment and it was agreed that Jay Hallett would be looking into it and report back in the fall with suggestions. It was also recommended that someone with knowledge speak to the committee about it so they can make an informed decision and add it as an agenda item for the next meeting.

VII. CONFIRM DATE OF NEXT MEETING

Next Meeting is tentatively scheduled for September unless issues come up during the summer that need addressing. Meeting scheduled for September 15, 2011 8:00 AM.

Jay Hallett asked that the harbormaster provide a report on the summer season and send it to the committee via e-mail. He will do it around the end of July.

ADJOURN

Jay Hallett made a motion that the meeting be adjourned, William Oliver seconded it. Meeting adjourned at 9:27 AM.

Respectfully submitted by Kimmerly Maxfield-Fearon on 6/15/11.