

Minutes Harbor/Waterfront Committee  
10/16/08

**ROLL CALL**

Present: Chairman Stephen Archambault, Richard Garrett, Peter Leavitt, William Oliver

Absent: Jay Hallett and Manny Kourinos (both arrived later)

Also present: Chief Edward Tolan, Lieutenant John Kilbride, and Kim Maxfield-Fearon

Members of the public: 2

**CHAIRPERSON COMENTS**

Met with Chief Tolan and the Town Manager to discuss ordinance changes and the Harbormaster position. The Town Manager will be present at the meeting to go over ordinance changes.

Election of officers for the coming year. Per the council, all committee terms will run 1/1 through 12/31 for terms of 1, 2, and three years.

Handed out e-mail policy for committee members.

Passed out letter to Kevin Cady to be signed by either Stephen Archambault or the Harbor Committee.

**ITEM I: PUBLIC COMMENT**

Paul Dobbins, Falmouth resident, mooring holder. Attending meeting to get information on mooring process and ordinance changes out to other mooring holders. He has applied for a position on the Harbor Committee.

Richard Craven, Falmouth resident, has also put in an application for the Harbor Committee but will defer to Paul Dobbins.

Chief Tolan explained that all applicants will be interviewed by the Council.

**ITEM II: REVIEW / APPROVE MINUTES OF 9/18/2008 MEETING**

William Oliver made a motion to approve minutes of 9/18/08 meeting, Peter Leavitt seconded motion. Minutes approved.

**ITEM III: ELECTION OF OFFICERS**

Peter Leavitt suggested putting off elections for a few months until a new member is instated.

Richard Garrett pointed out that per the ordinance elections are held in October, some discussion and it was decided to hold the elections.

It was suggested that William Oliver and Jay Hallett take the 1 year terms as they are on the committee representing their businesses and there may be interest within their companies for someone else to have a turn on the committee.

Terms were agreed as follows:

William Oliver, Jay Hallett 1 year terms  
Peter Leavitt, Manny Kourinos – 2 year terms  
Stephen Archambault, Richard Garrett and New member – 3 year terms

All terms begin January 1.

Stephen Archambault agreed to stay on as chair but Richard Garrett felt a new chair might be in order and nominated William Oliver who accepted the nomination.

Peter Leavitt said that there is a lot of work involved and didn't feel that the entire committee needed to be rotated through as he, for one, does not have the time to commit to the position.

After brief discussion, William Oliver withdrew.

Richard Garrett volunteered to be vice-chair.

Manny Kourinos nominated Richard Garrett for vice-chair.

Peter Leavitt made a motion to vote Stephen Archambault remain as chair, William Oliver/Richard Garrett seconded, Stephen Archambault voted in as chair.

Stephen Archambault seconded Richard Garrett as vice-chair, Richard Garrett voted in as vice-chair.

No secretary was voted in as Kim Maxfield-Fearon will continue to take minutes.

#### **ITEM IV: HARBORMASTER REPORT (CHIEF TOLAN)**

Chief Tolan introduced Lt. John Kilbride to the committee. John has recently been appointed Lieutenant and will be attending the Harbor Committee meetings with Chief Tolan.

Under Kevin Cady, the harbormaster position was a supervisory position but this has been reconstructed as the EMA director position has been given to

Fire Chief Howard Rice with Deputy Chief Doug Patey and Lt. John Kilbride as assistant EMA directors.

The position of the harbormaster will be a sworn patrol officer and will be titled "Marine Unit Director".

There will be no changes as far as the assistant harbormaster and the park rangers.

The new harbormaster will work from late March through December primarily as harbormaster but from January through early March will also be working as a patrol officer when not needed at the harbor.

Stephen Archambault asked if Kevin Cady would be available as a consultant. Chief Tolan told him he would get to that.

After mention of financial issues, Peter Leavitt observed that the harbor generates more fees than costs and was concerned that there would be redistribution of these revenues away from maintaining the harbor and its personnel.

Chief Tolan said that the Council makes these decisions but that he didn't expect any changes from that direction.

Chief Tolan explained that the harbormaster salary (which has been already budgeted for a supervisor salary) will drop as this will now be a patrol position, and some of the money budgeted for the harbormaster may be used for additional hours for the rangers. The assistant harbormaster will still be a 32 hour a week position through the summer.

Stephen Archambault brought up the idea of asking for a full time assistant and Chief Tolan said that when Nathan Poore arrived, he would elaborate but does not expect that to happen.

Stephen Archambault reiterated that if there is no change in the assistant harbormaster position from part time to full time, the committee does not support a fee increase.

Richard Garrett asked if the Harbor Committee will have a say in choosing the new harbormaster and Chief Tolan told him that, no, he would be hiring the harbormaster but will be bringing him to meet with the committee.

Richard Garrett asked if we would be renewing our agreement with the Coast Guard and Chief Tolan said that it is an ongoing arrangement and there will be no need to renew.

There were no in house applications for the position but had several outside applicants. He has interviewed 1 very promising candidate and has another to interview. Many of the applicants withdrew when they discovered that

there would be patrol duty involved. He hopes to have made his selection by next week.

Kevin Cady has agreed to come back and train the new harbormaster on the administrative duties while Rick Freese has agreed to train the new person on using the boat.

The boat will be back at the beginning of November.

The assistant harbormaster position is in limbo however one of the harbormaster applicants expressed interest in this position as he/she was not interested in the patrol aspect of the harbormaster position.

The floats will begin coming out of the water at the beginning of November when the big floats will come out with the side floats coming out in December, barring any serious storms arriving first.

Will advertise on the website and in the Forecaster for people to get their dinghies out.

The boat is at Yarmouth Boat yard having the motors replaced.

The side pieces need to be replaced or repaired. The cost for replacing them was prohibitive and Chief Tolan is looking to have them replaced. He asked Jay Hallett to see if it was something Handy Boat might be able to do.

The work on the boat is being done with the left over grant money and hopefully we will be able to purchase the infrared.

The security cameras are on hold at this point due to other issues that have taken precedence.

It has been a busy season. The town owned dinghies were a success, however, one of them may be missing. It might be on Sturdavant Island and once the boat is back, the new harbormaster will be looking for it.

It was suggested that the dinghies be painted a bright (and ugly) color to deter people from taking them and making them easy to spot on moorings.

Stephen Archambault said that the municipal dinghies went over well, with one broken oar which was paid for by the responsible party.

## **ITEM V UNFINISHED BUSINESS**

### **A. Review / approve long range plan / timetable from 2009 to end**

Looked over timeline touching on key points:

Begin work on developing new parking lot with completion by end of

2009 after which time discuss designation of parking in lower lot.

Offer follow up ordinance changes including removal of all private dinghies, reword harbormaster's authority to reposition moorings, and raise fees.

It was noted that if the assistant harbormaster position was not made a full time position, they were not in support of fee increases.

Edit mooring applications to include requiring a copy of the vessel current registration or federal documentation. Peter Leavitt also requested that legal documentation of access be required for those accessing from "other" location.

Discussion of access and how to document and control it.

Suggested adding a line to mooring application to the effect of "other – please specify and provide documentation of rights to access".

Verify that boat owner and mooring owner are the same person.

Recommended setting up a meeting with mooring services to go over issues such as GPS locations, chain lengths, etc.

Nathan Poor wanted to know costs for implementing items in the time line and suggested a fee increase to accommodate the changes proposed.

He suggested that possibly the Committee could approach the Council about borrowing money from the Town's reserves to pay for the parking lot and repay the money with the fee increase. This increase will also help to maintain any additional costs incurred while implementing the proposed changes.

Stephen Archambault suggested no fee increase for the 2009 season while they studied the costs associated with changes proposed.

Peter Leavitt suggested that it may be easier for people to accept a fee increase if there was already something to show for their money (ie the new parking lot).

Stephen Archambault made motion to table fee increase discussion, Peter Leavitt seconded.

**B. Review 2090 Ordinance changes with Town Manager**

Sec 9-94 (c) Mooring assignment application

(5) Name, address and telephone number of ~~person~~ Mooring Service

who will set, service and inspect the mooring;  
(This is a housekeeping change in the language of the Ordinance)

Add Sec 9-94 c (9) to read

(9) A copy of the current vessel registration, or Federal Documentation certificate.

(This will help to verify that the boat listed on the mooring application is actually the boat on the mooring.)

Sec 9-94 (m) Placement

(m) Placement: The Harbormaster shall develop a plan for the placement of moorings in the harbor, giving consideration to the size, hull type, construction, windage of boats, and the location of the channel. He/she shall ~~annually~~ assign/reassign locations to each mooring and ensure placement in the correct location. All moorings not located in the correct location shall be moved by the owner at his/her own expense in accordance with the instructions of the Harbormaster. In the event of the failure of the owner to comply with these instructions, the Harbormaster shall move or remove the improperly located mooring and the cost shall be borne by the owner of the relocated mooring. If this is determined to be a hazard or safety issue, the owner must comply within 48 hours.

(This change will make it easier for the Harbor Master to move boats identified as being a potential hazard or danger to other boats.)

Sec 9-94 (o) (1) (f)

All mooring buoys shall be white in color with a blue horizontal stripe and shall have the current permit registration number and owner's name in 3 inch letters painted above the water line in a contrasting color. A letter designation may be placed upon the mooring buoys by marinas, boatyards, yacht clubs and commercial marine enterprises to designate moorings owned by them.

(This is a house cleaning change. The same change was made to an identically worded section in 2007)

Sec 9-95 Use of Town wharfs and landings.

(f) Allowable Stored Dinghies: ~~Non-Commercial/Recreational skiffs: No skiffs, dinghies, or similar vessels shall be allowed on top of the Town Wharf.~~ No dinghies will be allowed to be stored at any Town Landing location except as herein provided. Certified handicapped and commercial fishermen dinghies are exempt, and may be secured to the finger floats off the Town Pier. Their owners shall maintain such

vessels and the owners shall be liable for any damage occurring to the Town property or other vessels. ~~Any such vessels maintained in the Anchorage and using Town facilities for a total or more than fourteen (14) days per annum shall be registered with the Harbormaster by notation on the application or a mooring permit and have the mooring space number and the owner's name visibly displayed on the inside transom of said vessel. Skiffs may be secured at the finger floats on the north side of the floats off the Town Wharf provided they comply with all of the below conditions~~

(1) ~~“Effective 1/1/2007~~ **1/1/2009 a valid skiff registration sticker must be affixed to any skiff certified handicap or commercial fisherman dinghy** stored at the Town wharf. ~~or any approved adjacent storage area. Not more than 60 resident skiff registration stickers shall be issued in 07-08 and not more than 30 non-resident skiff registration stickers shall be issued in 0708. The registration fee shall be \$50.00 for residents and \$100.00 for non-residents. The registration fee shall be \$50.00 for residents and \$100.00 for non-residents. Commercial fishermen shall be exempt from this fee.~~

Registration stickers shall be available annually ~~on a first come first serve basis due and payable with the mooring permit application on the second Saturday in April each year.~~ **though the Harbor Master's office.**

~~(2) Each skiff shall be marked with the owner's name and mooring number for purposes of identification.~~

~~(3) No skiffs may be secured on the outer faces of the Town floats or under the Town Landing Pier.~~

(2) All skiffs shall be properly secured and maintained. Skiffs shall not be secured with chains or wire, nor padlocked to the float and will not be left overnight with an outboard attached or fuel onboard.

(3) No skiff longer than 9 feet may be secured on the Town floats.

(4) Skiffs in violation will be impounded and stored at owner's expense.

(add) (5) **The Town may supply a fleet of municipal dinghies available for public use, in accordance with rules to be established by the Harbor Master.**

*(These changes are suggested in anticipation of the Council eliminating all dinghies for the 2009 season.)*

Nathan Poor asked what happens if the Council doesn't support the removal of all private dinghies and Steven Archambault suggested requesting the

elimination of non-resident dinghies.

Manny Kourinos indicated that there would be a decline in non-resident moorings if that were the case.

Stephen Archambault indicated that for the plan to work, there was a need for council backing.

Stephen Archambault will work with Chief Tolan on the ordinance updates (changes indicated in the prior area of updates to the ordinances).

Jay Hallett wanted to suggest a new ordinance change which would give Handy Boat an additional 10 mooring spaces for their equipment/service. As the ordinance is written, they are allowed 40 *rental* moorings and he was denied additional moorings for service use when he requested them for service. Discussion on the subject and it was agreed that if there was the space in the harbor, the committee was not opposed to this request.

**C. Discuss timing for 1<sup>st</sup> informational meeting with all mooring holders**

February was decided on for 1<sup>st</sup> meeting, date, time and location to be determined.

Peter Leavitt requested meeting dates be changed from 3<sup>rd</sup> Thursday of the month to 2<sup>nd</sup> Thursday of the month. No opposition.

Paul Dobbins (public) suggested holding meetings on a different day (suggested Mondays) to provide more access of public to meetings.

Jay Hallett moved meetings be moved to the 2<sup>nd</sup> Thursday of each month, seconded by Peter Leavitt – voted to change meeting dates.

Jay Hallett moved that the schedule of 2 morning meetings / 1 evening meeting be maintained, Peter Leavitt seconded it. Voted to continue with the meeting schedule.

It was decided to move the meeting with mooring holders to an unspecified Monday in February. Date, time and location to be determined.

Will publicize the meeting.

Need to take into consideration school vacation and room availability when setting up meeting.

Place an insert in the mooring permit package advising the mooring holders of this meeting.



**D. Access point definition and discussion**

Will discuss at another time.

**E. Unlisted Items**

None

**ITEM VI New Business**

**A. Letter to Kevin Cady**

Peter Leavitt made a motion that the letter be edited to come from the Harbor Committee, it was agreed to do so.

**ITEM VII CONFIRM DATE OF NEXT MEETING**

Next meeting to be held November 13<sup>th</sup>, 2008 at 8:00 AM at the Falmouth Police Station

Stephen Archambault made a motion that there be no December meeting, Peter Leavitt seconded it – voted no December meeting.

Lt. Kilbride will be at the Council Meeting with Stephen Archambault when he (Steve) proposes the ordinance changes as Chief Tolan will be out of town.

**ITEM VIII ADJOURN**

Jay Hallett made a motion to adjourn, William Oliver seconded it – meeting adjourned at 10:00 AM.