

Harbor Committee Meeting

Wednesday-March 22, 2017

Meeting was called to order at 6:10pm.

Members present were Chairman/Joshua Miller, Daniel Morris, Mike Cushman, William Mroz, Richard Vermeulen, Glenn Hall, and Ben Norton. Also present recording secretary Patty St Clair, Harbor master/Dave Schmanska, Selectboard liaison/Randy Elwell, Town Manager/Tim Polky, Finance Director/Elizabeth Curtis, James Barstow, Pat & Robert Hughes, Steve Thomas and Evelyn Blum, and Gerry Cushman.

Chairman/Joshua Miller started the meeting with handouts worked on by Bill Mroz and Dan Morris and all took a moment to read them.

Bill Mroz said looking back over what the voters wanted there was a small segment of commercial fisherman that actually want access to the property. My bias is that we should stay clear of any long term and middle term tonight and zero on exactly what we are going to do for the next twelve months for a schedule. Then in addition to the schedule we need to follow once we have made a decision, make an outline and any roadblocks that might make it stop from getting it done. Some of this is just my thinking.

Chairman Miller read through the summary of what we did and it's a great jumping off point to get started and a lot of the suggestions can just stay right there.

Dan Morris agreed it is a good summary of what we did especially with what Glenn Hall has passed out, there is a lot of explanation behind why we wanted to do what we wanted to do. With Bill Mroz's draft it's a simplified version of it all and allows some uses that we were on the fence about this time last year especially with loading and unloading gear only. What Bill Mroz has come up with for the next twelve(12) months allows more types of commercial activity to happen down there. Basically it allows lobster fisherman to do pretty much what any fisherman would do with very little to no storage of any gear down there; agreement with the board was to make sure there is no storage there. Dan Morris felt this should be a discretionary authority of the harbormaster. Let's face it if you go down there and there is three lobster crates sitting on the dock what are you going to do. I don't see how with 3, 4 or 5 lobster boats using that dock you aren't going to see odds and ends on that dock from time to time. Don't see how that is workable without that. The harbormaster should have that discretion and we should have full confidence in him to draw that fine line and not have to be down there on a daily basis. Harbormaster said we can have prohibited language but also have discretion too.

Chairman Miller feels zero storage is easier to me. No bait or traps on the dock should be in your truck or on a trailer. Harbormaster stated when writing the language for this it should read "shall not".

Chairman Miller in looking at the handout stated the Town voted for mixed activity in the comprehensive plan. The season is coming fast so we need to work on this.

Bill Mroz stated on the handout no. 4 is important; it says "The CWMB must match current Town resources to the needs and requests for use of the property." We said all along what the Town offers and what they for resources to make that happen we have to match that and not overwhelm the finance, the man power, and administrative support. Harbormaster agreed and stated we need to make it clear the Town is not going to subsidize anything. The cost there incurred by the Town needs to be recouped and we aren't here for their convenience or to be in competition with other wharves. Harbormaster stated we have items that need to be looked at; ramps, floats, lighting, repairs, and we have to have this subbed out. Glenn Hall stated there won't be ramps or floats this year. All of this needs to be understood by all who will be using it. Michael Cushman said at the last meeting, those fisherman were all right with using the Town public landing for this year. Glenn Hall said the fisherman had no problem going elsewhere if construction started next year. Selectboard liaison/Elwell stated this information should be part of the contract being drafted.

Dan Morris said Bill's write up of the agreement they will sign is pretty important and there are lines there that spell out a lot of the prohibitions and the last one in particular on that single page for the draft which reads "future construction/maintenance may cause permitted activities to be suspended or altered by the Town" is very simple basic rules the fishermen will need to abide by every day, and made quite clear. This is all an experiment and until the construction is figured out the rules will have to be followed.

Any of the work being done this year is not cast in stone and we have to get a year behind us. Dan Morris stated that at the end of this season Dave would have 100 suggestions on how it could work better down there. We can do our best and experiment and at some point in time we will have to crawl before we walk and walk before we run on some issues. Bill Mroz suggested once a month we come together with the fishermen to see how it is going.

Harbormaster Schmanska, playing the devil's advocate, how many fisherman are we going to allow? The reply heard was probably five (5) to ten (10) from what Dan and Bill had written up but there have only been three coming to the meetings. So right now there are three(3) real potential fisherman who don't know any of our conditions and then let's say two can't obey the guidelines and we end up with one are we still going to do this.

Chairman Miller said the Town has all ready committed to this since they have purchased the property we are still waiting for costs for the lights and power and those three potential fisherman said they can work without it. For safety reasons wouldn't it be something to make sure it works. Someone asked what the price would be to get this up and running? The Harbormaster said the juice is all ready there and the take outs are all wired and ready to go. One of the take outs just needs a motor because someone walked away with it.

Bill Mroz said lets just say we don't do any commercial fishing there this year or recreational would the Town do anything down there. If the answer is no, then there is no cost. But if the answer is yes do we do this and this there would be cost anyway. So to me the cost to the user would be for both commercial and recreational; don't know how you will perfectly figure that out but.

Chairman Miller said lets just say it cost \$30,000 to get the place up and running can't expect the three guys to pay \$10,000 each. I don't believe that is the way to do it.

Harbormaster inquired if we are going to make a cutoff on how many use it.

Chairman Miller said we should but how does that get determined. His question is what are you cutting off; all commercial fishing, or just lobstermen. If somebody wants to come pick seaweed is that going to be involved; flexibility is building there somewhere whether it is five or ten guys.

Dan Morris was wondering if three guys from Monhegan, asked to unload ten crates there. are we going to let it happen; possibly a one time use permit. With one time uses he feels the harbormaster should have some flexibility with fees. Glenn Hall mentioned they do that in Stonington and the fee is usually high since they don't want to have it happen often. Harbormaster stated if we are requiring self insurance from the fisherman for access to the property do we make it a requirement for all users. The board stated it should be a requirement for all since there is a liability at this location.

Bill Mroz said here's the trap we are falling into again, we have a scenario of two uses, heavy use and lobster fishing that's it for twelve months or until the end of 2017. This will make it so the harbormaster is down there every day. We can't for this year be overwhelmed with single use or different use down there then that's what we are focused on, way to bring us back Bill. Does this mean come next Winter we wont be able to sit discuss a permit process for next year absolutely. This year since it is April, all we can do is have five(5) boats down there and gain experience on this, expense, use, behavior; all of those things. If we start going down the

other path, we are going to be back right where we started from. We won't find a solution and we are going to make the harbormaster's job terrible and impossible; we can't do that. All agreed with Bill's statement.

Chairman Miller stated lets focus on now on what we need.

Parking issue for commercial; one parking spot per vessel and on the future plan there is six spots. We can always change it next Winter or in six months find its going great. Chairman Miller said we know there are three guys interested right now so let's make a plan to get one parking spot per vessel on the new property. Ben Norton suggested we should designate that parking behind the so called gate there since we don't really want to load six more vehicles on the existing Town landing are for sure. Dan Morris said if we have them park in the existing parking area we will have more parking complaints than ever in Port Clyde. Last Summer, the contractors for Allen's Island each came in their own car and used the wharf parking area and had it all blocked off. So he agrees with putting the fishermen behind the gate and in a designated area which comes with their permit.

Chairman Miller said lets designate five parking spots on the facility somewhere for this year.

Harbormaster said putting them up on the hill will keep them out of the way. Chairman Miller said lets make a recommendation right now; so five boats; one vehicle per vessel.

Gerry Cushman said that's a great idea for the captain of the boat but the sternmen will end up on the landing which what you don't want to happen; so the rules have to apply to all the guys.

Harbormaster mentioned if we could get some cooperation from the guys and let them know that cars can park at fire station or public parking for Drift Inn Beach.

Chairman Miller stated five commercial boats one vehicle per boat on Town property and specifically put in there to have crew park elsewhere. Wording for the permit is one vehicle per boat on Town property but does this create an issue of what Town property i.e. the existing landing, firehouse parking lot, public parking for the beach. The board all agreed five parking spots designated.

Ben Norton mentioned with listening to the discussion we should have some kind of language that whoever holds the permit can do their own business.

Chairman Miller said is everyone in agreement with no storage on this facility; yes. We have five boats with the parking restrictions, draft should include the ME# of the boat that is registered, no lobster buying there or selling, not having a lobster truck meet the guys at the dock.

Bill Mroz pointed out this August it will be mixed use.

Chairman Miller stated bring bait in your own truck and put it on your boat. This is not a drop off area.

Ben Norton opinion on fuel; it should be prohibited. There are other places to buy fuel.

All agree no fuel and no bait.

Town all ready carries insurance and each vessel will be required to provide insurance coverage to the Town. Town Manager Polky stated individuals are required to show this. Chairman Miller asked if there was a dollar fee to ask for and was given \$400,000 as a figure.

There will be one tender, 16 feet or under per vessel, is the regulations in our ordinance now and we may have to provide dinghy stickers in the future according to the harbormaster.

Chairman Miller said right now we have; no storage, five commercial vessel boats, one truck per vessel, no buy or selling, no bait on wharf, no lobster selling, no fuel truck. No bait or lobster trucks allowed, supply insurance to the Town, and one tender at the public landing. Harbormaster stated the ordinance right now

doesn't include 10 Cold Storage Road. There are some places where it might include under "Town property" but for the most part it is not included.

Expectations the users want to the minimum we have to meet their use. Best you can do this year.

Dan Morris questioned if there was a way to may the hoists limited; right now the box is hot but we can lock it up and we can control that.

Harbormaster did say that we have the commercial end figure out but the islanders would like access to the hoist as well use various reasons. If we do this how do we control that; create a low impact use or fee? Will it be off limits to them.

Ben Norton feels we should get the two hoists up and running and make them safe and secure. For this year only make it just for commercial use. Then get the other hoist on the other dock up and running safe and secure for islanders to use next year.

Chairman Miller inquired if insurance would play into this and if the Town insurance would cover this one time use or do the islanders have to show proof of insurance too. Town Manager stated it is safer to have the islanders show proof of insurance also.

Chairman Miller wanted to talk about a fee and the number he is thinking is \$2000.

Selectboard liaison Elwell inquired what the average wharf fee? Glenn Hall said all the other docks are full service docks. The Ad Hoc committee recommended 25 cents a pound on a full service dock. Bill and Dan recommended 10cents or 5cents we don't know what they are going to land better off to have a flat fee not per lb. We were just trying to get information to figure what would be fair.

Chairman Miller said based on what we are prepared to offer, I think \$2000 would be fair. They are paying strictly just for the access and this gets five boats up and going and \$10,000 we didn't have before. Dan Morris said not only is it an experiment for this year it's a starting point and can all be taken away in a year. Harbormaster asked if this was going to be a 12 month contract? Dan Morris asked if we were going to charge \$2000 for the rest of the year and then start again on January 1st?

Mike Cushman asked what the cost was to tie up in Portland? Ben Norton said it was \$400 a month just to tie up your lobster boat. Glenn Hall said he paid \$800 last time he was there.

Ben Norton \$2000 for a year is reasonable with a \$2000 deposit carried forward or non refundable.

Dan Morris said the Ad Hoc talked about a non refundable fee to for period of time to make sure the rules are being followed. This year should be a real simple fee non refundable for a certain period of time. After some lengthy discussion all agreed \$4000 flat rate with no deposit was the fee to charge.

Chairman Miller said lets work on a schedule. Should we end the calendar as of January 31st; but we aren't sure if these guys fish a whole year; need to have some flexibility with it. This first year's contract where should we start it and what are we looking at optimistically if we have all our ducks in a row and Town meeting all done maybe that would be a good start date.

Town Manager Polky said May 1st is a good start. What we are looking at is to put a document together you agree with then advertise. As far as the equipment down there that's doable. We have the insurance company coming in about 2 weeks to tell us what we can and can't do. Right now, the premium won't change but they may say you have to put a rail there or make a rule that you can't use the ladders The insurance company will probably rule out those ladders. There will be a list of things to be fixed or looked at. So after saying all that probably a couple of weeks, Town Manager said May 1 is good.

Chairman Miller said should we turn the dial a little more and pro rate it may make it a little easier of a time period; or do May 1 to Feb 28 flat fee for the first year. Some discussion followed on the period of time to apply to the \$4000 fee. The Town probably will not have a permit for construction until 2018.

Chairman Miller stated optimistically we are looking at issuing a permit from May 1 to April 30 this year for the flat fee of \$4000. Dan Morris stated he didn't see an issue either of using June 1 to June 1.

Chairman Miller decided to go over the list one more time to make sure we have everything we want to include for rules and guidelines: no storage, five boats, one truck per boat with language for the public landing and 10 Cold Storage Property, no buying or selling lobster, no fuel truck, no bait truck, no lobster truck, commercial vessels need to provide proof of insurance to the Town with a liability of \$400,000 annual fee; non refundable, and optimistically start that permit on May 1, 2017 to April 30, 2018.

Chairman Miller asked if the committee picks this apart now or the administration. Harbormaster Schmanska will go over with Tim and Elizabeth and bring it back to the next meeting.

Chairman Miller had a question since it is a public facility do we supply a porta potty and dumpster? Harbormaster said neither is required just put a statement in the policy to say carry in and carry out. Glenn Hall said if you own a business wouldn't it be a requirement to have a porta potty there. Town Manager Tim Polky stated the public wouldn't be there so a porta potty wouldn't be needed.

Chairman Miller felt we had a good draft with what we think the general rules should be. Lets talk about our aggressive schedule for the next month; we should just plan on having a public hearing on April 20 at 7pm. So that means between now and April 20 the harbor committee should meet again. Harbormaster said one of things we should consider is having Noel come back atleast once with Gregg if possible and if necessary Aqua Ventus would like to do a presentation and have that under our belt before the public hearing on April 20. Chairman Miller asked if the public hearing would talk about everything that encompasses 10 Cold Storage Road. .

Town manager Tim Polky stated the article for Town meeting is asking for funding, planning, and permitting. The public hearing is so we can have that referendum vote on Monday before Town Meeting; there will be no discussion at Town meeting. This will give you a full night to explain all that you want to do at 10 Cold Storage Road.

Chairman Miller stated our meeting will be Aptil 11 /Tuesday at 6pm. This is a quick run down of where we are at on this entire project for the municipal part: pre application meeting with the planning board. After that meeting, an application is given to the planning board, then we do an on site and this will take a couple of months. When we get the final plan back those wheels will start turning.

Harbormaster said that Noel Musson mentioned there are some grants for commercial available and programs that are becoming available and what we were talking about which I mentioned to our town manager we might want to go after a planning grant that will offset the cost which are 50/50 grants then potentially look at the construction down the road which could be a bond issue.

Bill Mroz stated he didn't think we wouldn't get questions on grants at the public hearing. So the public hearing is a presentation for 10 Cold Storage where we talk about the long term, medium term, short term goals for the next twelve months and then we open it up for discussion. Harbormaster said it's the same kind of thing when we tweak the ordinances, tell people what we have planned, receive input, and just get information out to public to justify why we need the money.

Chairman Miller reviewed for us, the public hearing is on April 20 at 7pm and our meeting is 4/11 at 6pm with Noel Musson and Aqua Ventus. We can give each of them a half hour, fifteen minutes for questions for both and finish up; two hour meeting. He questioned whether Noel will be at the public hearing; Harbormaster said it would be worthwhile to have him there.

Ben Norton had one more comment; he would like to have the administration look for a way to monitor what goes on down on the dock with maybe a camera. He felt this would be helpful for the harbormaster to see what goes on down there and monitor without having to be there all the time.

It's not a big deal and this does happen on other docks. From a liability viewpoint for the Town this monitoring would help and verify a complaint.

Bill Mroz asked who is writing the policy part? Does the dock need a use policy drawn up and have the town attorney review it. Town Manager stated right now it is a contractor agreement and be specific.

A motion was made by Mike Cushman, seconded by Glen Hall, to adjourn meeting; so carried.
The meeting adjourned at 7:30pm.

Sincerely,

Patricia A. St Clair
Recording secretary