

Harbor Committee Meeting

April 11, 2017

Meeting was called to order at 6:10pm

Members present were Chairman Joshua Miller, Dan Morris, Ben Norton, William Mroz, Richard Vermeulen, and Glenn Hall. Also present were Town Manager Tim Polky, Selectboard liaison Randy Elwell, Harbormaster David Schmanska, Selectboard members Tammy Willey and Jerry Hall, Finance Director Elizabeth Curtis, Michael Mathiau, James Barstow, and Noel Musson.

A motion was made by William Mroz, seconded by Glenn Hall, to accept the meeting minutes of March 22, 2017 as written; so carried.

Noel Musson gave the committee a report on the basic plan for 10 Cold Storage. He added on float configuration and some changes to the float placement and in the other areas based on the discussion from the last meeting he was at. This is the plan he will be taking with him when he meets with DEP and Army Corp which is tentatively scheduled for Friday/April 14. The biggest thing we will be talking about with them is fill, the potential of reconfiguring of the floats, and the impact of using pilings to support that. Noel has spoken with and set the stage to bring the plan to Bangor. His strategy is to bring it to Bangor so that he can meet with them there and get them fully engaged with the plan then have a site visit down here. This hopefully will make it so the plan doesn't go to the Augusta DEP staff and Army Corp. Noel prefers the Bangor office; they are easier to work with. Noel hasn't spoke too much with the Aqua Ventus folks but they did send a plan awhile ago showing where the line might come in, where the vault might be set, and then where poles will leave the site. That project isn't going to have a huge impact on ours and most of the visual will be underground. Noel has been speaking with Dick Hall, an engineer, who drew up the plan he has. Noel asked Dick Hall to sketch in where feasible and our priority is to have a functioning site and we will figure it out with the Town then go from there. It is not a priority to have that information part of our planning.

Ben Norton stated he and Dan Morris had spoken with Dick Hall who said we should just do our own permitting. He did suggest that the transformer, he noticed it's penciled in up on the hill, be put on a lower grade since it could have problems being on the hill with neighbors and astatically. Noel stated he would suggest putting it somewhere out of the way. Ben mentioned too with location we might want to think about flood plain zone; Noel said that is a good thought to check on.

Ben Norton mentioned that Aqua Ventus strongly suggested they would want a building down there.

Dan and he said why not at the fire station with a reply of the building had to be down there to keep their stuff in and a place to meet up.

Selectboard Gerry Hall stated there is no building for that project and if there is one it would be up the road some place.

Harbormaster said he got that same answer when talking with them. Dave also just wants the committee to know that Gerry Hall, Tim Polky, Richard Bates, and he have been discussing the Aqua Ventus issues and this group doesn't really have to worry a whole lot about that issue. Not to say they are not intertwined, but it is not the charge of this group to worry about Aqua Ventus; it is the charge of that foursome. Noel Musson stated there is nothing of important we need to add to their plan.

Bill Mroz asked if there was a higher archary who approves or does DEP sign off then Army Corp and state approval as final? Noel Musson stated they all need to say yes to the project; Army Corp usually signs off first and DEP has 180 days to review. It is a full NRPA application that is filled out and submitted. This application is sent to the DEP, then a copy of that goes to Army Corp which they both will be looking at using their own criteria. We are setting the stage and submitting early will help with the review. Then we look to see if there are any submerged land issues, where the low tide line is in relation to where we want to fill, and how that relates back to submerged lands that is the only other issue Noel can see.

Dan Morris inquired about the money we are looking to get after the public hearing and how that affects what you are doing what the timeline is. This is a good question and Noel wants to make sure he is prepared for the public hearing and what will be discussed.

Selectboard liaison Randy Elwell stated it is let the public know what the planning is going forward and the cost is for the permit for this phase; price being asked for is \$28,600. The construction will be a whole other process; will call it phase II.

Town Manager Tim Polky stated we will have the public hearing on April 20 and then have a referendum vote at Town Meeting on Monday/May 8. The purpose of the public hearing is to justify the funds for the first phase. We don't want to have the public hearing get bogged down with questions regarding Aqua Ventus since it is not part of the project. Right now we are focused on having the Town say "yes" to the money being requested for the first phase to get started. There will be other steps along the way in the future.

Noel Musson wants to make sure on how the public hearing discussion will go. Someone mentioned it would be good to have Noel and Gregg to do a general presentation to open the discussion. Bill Mroz stated this would set the stage then the Harbor Committee can explain their goal, do a presentation, would be nice if all the members of the committee would attend.

Chairman Miller asked if Noel and Gregg do a small presentation at the beginning would be a good idea; Tim Polky answered yes. Noel felt someone on the Harbor Committee should set the stage and then have them do a more thorough presentation. You know we bought this property and here is our goal etc. etc. It is always good to have someone local start the hearing.

Ben Norton asked if there would be anytime where there would be feedback from the audience? Town Manager Polky suggested no on feedback. He also suggested since the meeting starts at 7pm shouldn't really go any longer than 9pm since you don't gain anything after that time.

Bill Mroz said we should come up with an agenda and forward to Josh and Dave for review. Then who ever is starting the meeting off, should begin with what we are going to talk about, and for the next hour and a half this is what we are going to do, Noel Musson is going to give a presentation, and after that we are happy to answer some additional questions and the formatting of this particular meeting; we don't really want to open it up for some huge design change conversation.

Dan Morris the real thing we need to keep in mind is that medium and long range plans kind have been put on hold until we know what we can do so getting into that discussion kind of pointless at this time.

Selectboard liaison Elwell stated that Army Corp could possibly say we can't even do the first phase of our project.

Noel Musson mentioned we are focusing on the site itself not necessarily all the uses for the site in the future. What we are planning for is an adaptable facility. This year and for the next 10 years it could be one use and ten years after that could be totally something different. It's the foundational work that we are doing right now to make that the most useable and functional site for the community that we can. That's what we are trying to focus on now. The points are we have to make this most usable that we can and maximize the area of the opportunity that we have is the plan we have in front of us tonight. This is one initial layout with the fill and the top layout can be anything we want it to be

Dan Morris if we come back to the rational of what the original use of current Town Landing from a recreational stand point is completely overwhelmed that is one reason why we bought the property because it would join the current public landing and the second reason is working waterfront and that was a big one but anyway what we have done is make a plan that is adaptable to both of those uses to the best that we can and not sure what else we can do until we get a yay or nay at voting time.

Harbormaster Schmanska asked Dan if he wanted to be the man introduces everyone? Dave stated he says things well and you put it in an understandable manner, and you are a local guy. Everyone agreed what Dan said sounded really good and all agreed he should be the spokesperson for the public hearing.

Ben Norton said we are trying to figure out what we "can do" at the property at the public hearing. Noel Musson stated real big issues will be how to connect the areas all together to make it one cohesive area for all uses. He felt he may have more answers by the public hearing date. Would it be better to bring those reactions back to the smaller group before we head to the public hearing so that we are all on board. The message is that we have a lot of regulatory work to do now in order to get beyond where we are, we have to put the time in doing more details so that it works and we understand and what the true impacts are to get the permits and then we can start the construction phase.

Harbormaster Schmanska stated this is actually the ground floor. Noel stated we have gotten pass the conceptual part and this is where things will start to get more comprehensive.

Someone asked if the committee should meet before the public hearing to make sure we are all up to speed. Noel mentioned that wouldn't be a bad idea to meet ahead of time say 6:30pm.

Bill Mroz said so there are really three parts; one is the short term which is what are we going to do this Summer because that really needs to be discussed, second one is the medium term which is the planning and talk about the conceptual piece are we going to get into the potential funding what it is going to cost or are we just going to leave that aside and talk about that we are in the permit process and we are looking for \$28,600 to get us to the point where we have a "yes" we have a plan but we are not sure the cost for the future. Harbor master felt this was his take on it.

Glenn Hall stated how do we know how much if we don't know what we can do. This public hearing is simply about putting the information in order for a positive vote at Town meeting in the opinion of the harbor master.

The process is for it to go back to the Town for a vote before any determination can be made to go forward. Noel Musson mentioned there could be a range and it all depends on how things work out during this phase of the process. This is a comprehensive vision of our plan on what we are doing, the structural, foundation of this project on what is going to look like and what we would like for it to look like in the future. Could you phase this in over time; we would have to think about how the phases make the most sense and clearly would be identified. There are some logical breakdowns in terms of phases. Would like to push that conversation off until we understand the vision and have a plan in place. Then we have time but if the \$28,600 doesn't pass then none of this will happen. The Harbor master stated this is why we are having the hearing. Ben Norton said this is a pretty reasonable price to get us to the next step.

Noel Musson said the big grant is really focused on recreational boating this may be more of a recreational boating grant where they can really demonstrate they are serving boats over a certain size and is recreational oriented that may be applicable I also handed out some other grant options and ideas and I think what we ought to be doing is getting beyond a certain stage well what are you willing as a community to try to take on and is the "ship" grant would be the one I go to first. The more expensive the project is the more it makes sense to use the "ship" grant because strings that go along with it going to do them anyway because the scale of the project and take advantage of the money. There is grant money available to help with some planning the timing for this particular project wont work out this year we will be potential beyond where we would benefit for that type of assistance but at the same time "ship" could be another thing to look at. I say we talked about last time each step of the way lets figure out if there are any opportunities to benefit from grant funding then you decide what we should apply for on your behalf and keep checking in that way see what the benefits are there for the costs are for that opportunity and we will keep trying to maximize what we can. There are a few things as a Town that you will get straightened fairly soon that will put you in a better position to be successful with grants too. It's good to have a consistence comprehensive plan.

Chairman Miller asked if there were any other questions for Noel Musson and if he had any questions. He replied just want to make sure we are ready for the public hearing on April 20 and what is expected from him.

The Committee did agree to meet before the public hearing on April 20 at 6:30pm.

Noel Musson mentioned he will keep us posted if anything comes up between now and the hearing. This way we can go over and figure the format on how it will go for the evening. We might have a power point or just a narrative to present with some posterboards.

Chairman Miller stated we will work on getting our lead in prepared for you for the public hearing.

Noel Musson said This is full public access site to the waterfront I think that was the vision from the beginning of this process. Think about how you will integrate the different uses and make it functionable to keep the recreational on one side and commercial uses where it makes the most sense. In order to get to that vision you will have to have ideas that are important.

Harbormaster that is what we have to remember about that property is it didn't happen overnight and doesn't have to happen all at once. As long as you get the ground squared away, the foundation, and do the rest of these things and you have the time, energy and the money.

Noel stuck around for a little bit since the committee was going to talk about uses.

Some of the committee was asking for 11x17 copies of the plan since there are people who are asking questions and a picture does help to explain it.

At this time, the memorandum agreement was handed out.

Harbormaster said the document you are looking over is a combination of things all of the basically there was conditions we talked about at the last meeting. Chairman Miller had written and we all hashed it over and this was a combination of all those things and Elizabeth was kind enough to put it together in a relatively basic contract form and I think here we are again to look it over and see if it encompasses what we want more or less.

Finance Director Elizabeth Curtis pointed out that the third page of this agreement is policies of what was discussed at the last meeting.

Glenn Hall questioned the dollar amount in no.6 for the adequate liability coverage being at \$500,000 when in previous discussion he thought the amount was to be \$400,000. Harbor master replied in checking with the Town lawyer the amount needs to be \$500,000.

Ben Norton wanted to have an explanation on the Worker's Comp part; in reading that part he interpreted it as just liability coverage for the \$500,000 and then there is the worker's comp part which the sternmen are excluded from.

Finance Director Curtis explained this is the standard wording given for the insurance from Maine Maritime Municipal and since they are subcontracted worker's comp doesn't apply; this wording is only if they are an employee.

Town Manager Polky explained we would need two separate forms from each contractor. Either the boat owner gives us a worker's comp form or we get contracts from whoever is on the boat the proof of insurance.

Ben Norton stated because of the Jones Act they are excluded from worker's comp last he knew. Harbor master stated we can check on that and back to it; this doesn't have to be decided tonight. He said we might have to get a marine attorney to look at that.

Harbormaster stated he does have all the policies from the Stonington Dock. I can take a look at them.

Dan Morris said one of the things we should look at understanding that anything that goes wrong on a fishing boat its not the crew's fault. You have to make sure that the guy who pays the money is surely going to be the captain of the boat and he is responsible for the actions of his crew. That's got to be in there. Committee all agreed with that statement.

Glenn Hall stated no matter what happens on the boat it's on the captain and they need to know that.

Dan Morris followed with they have to be held responsible if their crew member(s) destroy property there at the wharf.

Ben Norton just playing the devil's advocate here and I don't want to discourage fisherman from using the facility but I want to make sure the Town is covered but I don't want to scare them off with complicated information.

Glenn Hall mentioned he saw one thing we could change on the policies where it states "Only the owners or their crew may operate any equipment provided at the facility" take out the wording "or their crew" and have just the owners; that would solve it.

Dan Morris felt if the captain delegated a member of his crew to run a piece of equipment he(meaning the captain) would still be responsible for the destruction of equipment.

Harbormaster said only one thing in the Stonington papers that is relative to our condition is no vessels should be left at the property overnight; this should be in there.

Ben Norton suggested adding no alcohol or drugs on premises too.

Chairman Miller stated we might as well spell it all out it wouldn't hurt.

Glenn Hall asked if this policy page was going to be hashed over at the public hearing.

Harbormaster stated no; but we could use it as an example of where we are going.

Selectboard liaison Elwell stated we should just mention that the contract and policies is being worked on at this time and it's not official yet.

Glenn Hall asked does the selectboard have to approve this contract and policy?

Glenn Hall mentioned we are talking about a May 1 opening here and we got this paper to just look at and he was just wondering what the chain of command that well and if at some point this goes to the selectboard then they say yay or ney.

Town Manager Polky said the paperwork has to be approved by this committee first then go to the Selectboard.

Glenn Hall felt we had approved this at our last meeting.

Town Manager Polky said this is what was put together from the last meeting for you to review for final say and then it can be reviewed by the Selectboard.

Harbormaster asked if the figures in our contract came from Maine Municipal; yes they did according to Finance Director Curtis.

Chairman Miller asked about the paragraph about parking; do we need to specify owners to park one vehicle per vessel or should we specify any further.

Harbormaster felt the paragraph was straight forward the way it was written.

Dan Morris said Dave when you and I talked about the clause that maybe the captain is responsible for the crew while on the facility. Captain is responsible for the crew no matter what they do or how bad they screw up.

Chairman Miller stated no alcohol or drugs, no unattended vessels.....

Ben Norton spoke about keys for the heisters being given to the captain. Harbormaster stated he had spoken with Town Manager Polky about getting unduplicatable keys to run the machinery.

Finance Director Curtis asked if we were changing it to only the owners can operate the equipment or are we keeping it to read only the owners and their crew may operate the equipment.

Harbormaster stated it should be the owners and their crew you can't be in every place at once just can't do it; that's very reasonable.

Dick Vermeulen said not sure it makes any difference but we did say the \$4,000 is not refundable if someone kicks out and half way through the year he may ask for \$2,000 back. Finance Director Curtis said no. 8 on the contract spells that out.

Mike Cushman inquired where the \$4,000 dollar figure came from.

Harbormaster Schmanska stated we didn't want anyone to have a free ride or undercut any of the surrounding wharves. We talked to a bunch of different people from the industry and the Ad Hoc committee did some really good research on this what it would cost per pound for a boat to land

Bill Mroz is a fishing boat going to pay the same as a larger company like Island Transport.

Harbor master stated no this is just for commercial fishing probably will be more than one type of contract for different types of uses.

Glenn Hall this isn't clear right here; this looks like it is wide open on whether it is a lobster boat or commercial fishing.

Harbormaster said he has been in contact with Hale Miller and the costs will vary based on the types of uses happening from this property. If you are using it for six times a year I don't think you should be charged what the Island transporter is so we have more work ahead of us. This is strictly for the five fishermen who we are talking about helping.

Glenn Hall stated that isn't what this says.

Harbmaster said this is why this says "draft" so we can tweak it. There will be a number of different contracts drawn up and the insurance part is going to be the sticky issue I noticed on Stonington paper they have single use. I don't know how we are going to get there but I talk to Hale about it yesterday.

Glenn Hall said Stonington made that fee so high for single use that it may so you would be discouraged to use it.

Harbormaster stated in here the per day user permit fee is \$50 this was as of 2013.

Bill Mroz we have to remember what this year not last time this is just one contract for one group of people who have expressed an interest. Island Transporter has another contract. The recreational side they are not using that stuff, this is for lobstermen only for this year. Because I think it may happen that six months into this that you decide you want to do something different think about our town meeting on 4/20 all these questions are going to come up and we have to be specific on what we have done to address to the commercial fishermen who expressed the interest and that is where we are ending at this point in time anything outside of that is for future discussion.

Harbormaster said we could talk about the Island Transporter, we can talk about people like Art Tibbetts, who have is going out relatively to what we expect them to cough up but anything over and above that.

Mike Mathiau said you have answered the question perfectly by saying there are going to be different contracts for different uses right now this is the one we are working on.

Bill Mroz added otherwise we are going to overwhelm them. We want to get there in the future but that links to the whole long term plan figure we have to facilities set to do whatever we want in the future but the first baby steps of this year is this contract. Otherwise it's just going to get bogged down again.

Ben Norton we have come a long way to get to this point.

Bill Mroz added let's keep focusing on the medium term and eventually long term will get there.

So this year probably going to get to lots of requests and that turns in to second or third or fourth kind of permit that you put out that's great.

Chairman Miller asked how does the harbor committee feel about this(contract and policies) with the anybody have any more changes to add or think that should be in there. Basically we have no alcohol no drugs, no unattended vessels.....

Dick Vermeulen asked should it be more specific or lobster only,

Chairman Miller said it looks like there are places that can be written in what the intended business will be. I think this looks good to us for the most part; we should probably take a vote on it.

Harbormaster said this contract is a lobster contract only we will make that clear, unattended vessels prohibition, no alcohol or drugs issue, will clear up the workers comp insurance issues, anything I missed?

Finance Director Curtis do we want any details in there about keys for equipment?

Harbormaster said yes keys will be issued which we could follow up.....

Finance Director Curtis if you could share with me the Stonington stuff then we can get that in there.

Chairman Miller so with those changes, anyone want to make a motion to move those forward for a final draft to send to the selectboard; motion was made by Glenn Hall, seconded by Dan Morris, so carried.

Chairman Miller stated Dan Morris will be putting together the preliminary opening for the public hearing on April 20 before Noel Musson does his presentation. He feels we have gotten to where we need to be for the public hearing.

Dan Morris said he has just one question on how are the five fishermen are going to be picked to use the wharf.

Glenn Hall stated first come first served.

Chairman Miller said we have been approached by three guys who are interested.

Glenn Hall said he would be surprised if we see anybody to tell you the truth.

Harbormaster did say it may be all for none but we do have to try. This is our duty to make this happen.

Glenn Hall doesn't think the fee is too much, a lot of this other stuff some of these fellas just aren't going to have.

Bill Mroz stated but that is their choice.

Harboarmaster agreed we are giving them an option.

Finance Director Curtis said we don't have a choice not to ask for the insurance information.

Glenn Hall wants to get this straight that we are approving these papers tonight so we can discuss this at the public hearing on April 20.

Dan Morris said this doesn't need to be a discussion at the public hearing because we don't want need to get bogged down on something which isn't finalized yet. We should just mention it's being worked on and is headed to the Selectboard for review.

Ben Norton stated the public hearing is to appropriate the money for planning and permit.

Selectboard Elwell said the contract is being worked on and if they want to see a copy of it they can come to the Town Office to review.

Town Manager Polky said what you might get asked at the public hearing how do you choose who gets in.

Dan Morris agrees with the first come first served. How is that put out there to the public so this is fair to everyone you don't get the push back if I had known I would have applied. How do we or do we not worry about that. You say if this is something you are interested in then you should have kept up on it.

Chairman Miller said because we think there is going to be a minimal amount of interest do we have to put a number on it; that would eliminate posting and all that; or am I thinking this could get out of control?

Harbormaster asked is this for towns people only?

Chairman Miller said yes if Dan's right we would have to post a date and advertise.

Town Manager Polky said applications are available at the Town Office on May 1.

Chairman Miller said do we want to eliminate that five slot designation or do we in order to avoid what he is talking about.

Bill Mroz asked from a functioning stand point what happens if we there is ten?

Glenn Hall feels we shouldn't go above five.

Harbor Master said looking at it from a selfish viewpoint five would be good otherwise we are looking at more parking, more tenders, more stuff we don't need to look at.

Chairman Miller said we will just go down the road of having to post it.

Chairman stated so the Town will have to come up with date does; it have to be posted 2 weeks before in the paper and all that; or just May 1.

Dan Morris stated anybody who wants to use this facility and is not paying attention on whats going on right now aren't not helping themselves much now.

Glenn Hall if they aren't paying attention right now they don't have much interest either.

Chairman Miller said the last meeting they were at was three meetings ago.

Town Manger Polky said I would be very surprised to see anyone come for an application.

Chairman Miller asked if anyone has anything else they want to add to this.

Selectboard liasion Elwell stated you guys did a good job.

Chairman Miller said we will see everybody at the public hearing on Apr 20 6:30p preliminary meeting of the committee to talk with Noel and get our ducks in a row. Gregg will be attending with Noel and he will be able to keep it concise; he does know what he is doing.

Town Manager Polky said why don't we plan on having the revised contract/policy ready for review as well on the 20th. If you can approve it than we can take it to Selectboard for review on April 24.

Finance Director Curtis said we could email out to all the members also.

Town Manger Polky stated so you can actually act on it on the April 20 to move it forward.

Bill Mroz said there isn't going to be a significant number of changes to it.

Glenn Hall made a motion, seconded by Bill Mroz, to adjourn the meeting; so carried.

Meeting adjourned at 7:30pm.

Respectfully submitted,
Patricia A St Clair
Recording secretary