



COASTAL WATERS COMMISSION

MEETING MINUTES
Wednesday, March 21, 2018
6:00 PM – 8:00 PM
East Conference Room

Committee Members:

David Witherill, Chairman
Mike Schwindt, Vice Chairman
David Carlson
Hugh Judge
Brent Sullivan
Richard Thompson
Bob Vail

Town Staff:
Tom Gruber
Charles Rumsey
Jean Duchesneau

Present: Chairman David Witherill, Mike Schwindt, Hugh Judge, Mike Schwindt, Bob Vail, and David Carlson
Absent: Richard Thompson and Brent Sullivan
Town Staff: Charles Rumsey, Police Chief; Jean Duchesneau, Committee Secretary; Matthew Merriman, Harbormaster; and Thomas Gruber, Town Councilman, Bill Shane, Town Manager
Guests: Tim Forrester, Atlantic Environmental, Inc.; Dan Bannon, Baker Designs

1. Call to Order

The meeting was called to order by Chairman, David Witherill at 6:02 p.m. and introductions were made around the table.

2. Adopt the February 21, 2018 Minutes

Chairman Witherill inquired if there were any changes or additions to the February 21, 2018 Minutes. There were none.

Motion: To approve the Minutes of February 21, 2018
Moved by: Mike Schwindt
Seconded by: David Carlson
Vote: All Approved – Unanimous

3. Harbormaster Report

Chief Rumsey stated the Harbormaster, Matt Merriman was on a call and would stop in if afterwards, if possible. Harbormaster Merriman did join the meeting at 6:24 p.m. He stated there was nothing new to report to the commission.

4. Proposed New (replacement) Float – Application: Property Owner – Mathew Rubel

Tim Forrester stated, the only changes to the float would be to increase the size of the existing float to enable them to accommodate a larger boat and give them a bit more deck space. Tim stated this was a minor modification in the DEP application and that the Army Corps just basically wrote a letter and said they were fine with it. Custom Float Services will build it and it will be standard design. Bill Shane stated that this was a diminutive change that can be approved by the board and does not need to go through the entire wharfing-out process. David Witherill stated he did not have any issues or concerns with the changes and the other members of the commission agreed with him.

Motion: To approve the proposed new (replacement) float application of Mathew and Melissa Rubel located at 13 Lantern Lane, Cumberland, Maine.
Made by: Mike Schwindt
Seconded by: Bob Vail
Vote: All Approved – Unanimous

5. Baker Design Consultants – Pier Update

Bill Shane stated the Town has full funding and full approval to go forward and asked Dan Bannon to walk us through the next steps in the process because of DOT getting involved and the approvals that Baker Designs now have to go through with DOT because of that funding commitment and also the explanation about the pilings and why we have to wait until November to drive the pilings.

Dan Bannon went over a project schedule outline (preliminary) with the commission. Below is the outline that was **adjusted** at the meeting.

| <u>Milestone/Event</u> | <u>Date</u> |
|--|--|
| • Kick Off Meeting (Maine DOT, Town & BDC) | March 30, 2018 |
| • Submit Draft PS&E to Maine DOT and Town | April 11, 2018 |
| • CWC Meeting BDC Attend to Present Construction Program | April 18, 2018 |
| • Receive MDOT Comments (<i>2-week review period</i>) | April 25, 2018 |
| • Submit Final PS&E to Maine DOT and Town | May 2, 2018 |
| • Receive Maine DOT Authorization to Advertise | May 9, 2018 |
| • Advertise for Bids | May 16, 2018 |
| • Pre Bid Meeting (following week – May 23?) | May 23, 2018 |
| • Bids Due (<i>4-week bid period</i>) | June 13, 2018 June 11, 2018 |
| • CWC Meeting Bid Review and Award Recommendation | June 20, 2018 June 13, 2018 |
| • Council Meeting Authorize contract to most response bidder | June 25, 2018 June 18, 2018 |
| • Receive Maine DOT Authorization to Award Contract | June 29, 2018 |
| • Execute contract with contractor after receipt of bonds, insurance | July 20, 2018 |
| • Construction Start * | Fall |

**Regulatory Restriction- Deep In water Pile Driving cannot be undertaken until after Nov 8*

Bob Vail stated that the shore-side work could conceivably start in Mid-July and the rest of the construction (marine-base) done later. Dan Bannon stated, the completion date is yet to be determined in the contract. There were discussions about the pile driving to be done and Dan stated the pile driving falls under the state and federal permits. The permits would be part of the bid documents and for a contractor to be submitting a responsive bid, it would require that their plans for construction comply with the permit requirements.

Bill Shane asked about having a pre bid meeting the following week (May 23rd) after advertising. All thought it would be a good idea.

Demolition of the old pier: There were safety concerns for people going on or near the pier area during the months while waiting for construction to begin. Discussions took place on how to make the area as safe as possible. Bob Vail asked if deconstruction is part of the pier contract and it is. The deconstruction would be done from the waterside using a barge and crane to remove it all. He also asked if there was anything to gain to have the demolition a separate bid by a separate contractor. Dan stated that by getting a separate bid for demolition, the pier could be demolished as soon as possible, removing the hazard for this summer; however, it could be more costly. In the contract now, there is \$15,000.00 allotted for the demolition by the contractor. Bill Shane suggested we wait until after a DOT meeting with the town next week before making any decisions. Perhaps the committee should make a motion to direct the Town staff to come back with some proposals, pending DOT's approval, to remove the pier for safety reasons.

Motion: To have the Town look into doing demolition to the pier as soon as possible, as a separate bid.
Made by: David Witherill
Seconded by: Hugh Judge
Vote: All Approved – Unanimous

Bill stated the expected completion date of the pier is June 1, 2019. Mike Schwindt will be at the Monday night's

council meeting to speak about the ordinance changes and this would be a good time to also let the council know about the CWC's formal vote tonight recommending the demolition of the pier as soon as possible, for safety concerns.

Harbormaster Merriman stated there is a HMA grant with an application deadline of 4/20/18, and he will forward the email to Bill Shane to review.

Updates:

Moorings:

1. David Witherill stated there was no need to set any BCR moorings out, due to condemned pier.
2. There will be a kayak rack – unknown of the exact location at this time.
3. Chief Rumsey stated there will be an outgoing letter to existing BCR mooring holders that we would hold their spot if they choose not to put a mooring out this year. We are going to waive the mooring fee whether a mooring is put out or not; however, we are asking that applications still be completed. Should we get new applications for the BCR area, we would still have them follow the procedures in place. Moorings are set by GPS coordinates.

4. New Business

1. David Carlson wanted to express his thanks for the signage at the Town Landing and kiosk. Bill stated the tentative date to have it all up is in May 2018.
2. Mike Schwindt has been working with the ordinance committee regarding bridges. Bill stated although CWC has never reviewed bridges they currently fall under the CWC responsibilities; however, after discussions with the ordinance committee, it was recommended that bridges be assigned to the code enforcement in the future for review and approval. Bill stated that Council should approve that recommendation sometime in March or April.
3. Ordinance Change: Chief Rumsey noted the following ordinance section needed to be changed as we are no longer putting out markers. Chief Rumsey also asked if there should be some type of fee or penalty for violation of the ordinance. After a discussion, it was decided to rework the language below that is highlighted in yellow and assess a \$100.00 (administrative) fee.

48-7G:

An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring during the first year of assignment. Should a mooring not be installed during that first year and the applicant again apply within three years, **a relocation fee must be paid to cover the expense of retrieving the original marker and subsequent locating and marking of the second mooring site.** The relocation fee is specified in Chapter 84, 12 C.

Motion: To give Mike and the Chief and others have the authority to amend the language to allow for a penalty fee for not putting in a mooring after and application has been made and establish the fee as \$100.00.

Made by: David Witherill

Seconded by: Bob Vail

Vote: All Approved – Unanimous

The Chief stated the language below is tentative amended language; however he, Matt, Ben and Mike will discuss it further.

An applicant receiving a mooring assignment within Broad Cove Reserve, effective on or after May 1, 2017, must install the mooring during the first year of assignment. Should a mooring not be installed during that first year and the applicant again apply within three years, **a relocation an administrative fee must be paid to cover the expense of retrieving the original marker and subsequent locating and marking prior to the issuance of the second mooring site assignment. The relocation fee is specified in Chapter 84-12 C.**

David Witherill stated Brent Sullivan has moved and we should establish that he will no longer be on the committee so we can look for a replacement. He will send him an email for confirmation. Mike Schwindt stated we would need to follow the ordinance in reference to this and make notification to the Town Council.

The next meeting date is tentatively set for April 18, 2018 at 6:00 p.m. We will be meeting in May and June 2018, dates to be set at a later date.

5. Adjournment

Motion: To adjourn at 7:15 p.m.
Made by: David Witherill
Seconded by: Bob Vail
Vote: All Approved – Unanimous

Submitted by,

Jean Duchesneau
Recording Secretary