



# COASTAL WATERS COMMISSION

**MEETING MINUTES**  
**Wednesday, September 20, 2017**  
**6:00 PM – 8:00 PM**  
**Council Chambers**

**MINUTES AMENDED 10-12-17**

## Committee Members:

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

Town Staff:  
Tom Gruber  
George Turner  
Charles Rumsey  
Jean Duchesneau

**Present:** Chairman David Witherill, Mike Schwindt, Richard Thompson, Bob Vail, Hugh Judge and David Carlson

**Absent:** Brent Sullivan

**Town Staff:** Charles Rumsey, Chief of Police; Jean Duchesneau, Committee Secretary; Matthew Merriman, Harbormaster; and Thomas Gruber

**Guests:**

### **I. Call to Order**

The meeting was called to order by Chairman, David Witherill at 6:01 p.m.

### **II. Adopt the June 14, 2017 Minutes**

David Witherill inquired if there were any changes or corrections to the June 14, 2017 minutes. There were none.

**Motion:** To approve the Minutes of June 14, 2017

**Moved by:** Mike Schwindt

**Seconded by:** Bob Vail

**Vote:** All Approved – Unanimous at 6:02 p.m.

### **III. Ordinance Updates**

David Witherill began the discussions with the Dinghy Ordinance. Mike Schwindt referred to a document that was handed out as well as emailed to members dealing with the ordinance changes (attached). Some of the concerns regarding this version were as follows:

- **Definition Concern:** Engine size of outboard motor of 20hp. Many thought that 20hp was too high for the dock area. After discussion, it was decided 10hp would be best and a vote was taken.

**Motion:** To limit the horse power on dinghies to 10hp

**Moved by:** Richard Thompson

**Seconded by:** Hugh Judge

**Vote:** All Approved – Unanimous

- **Dockage Time Concern:** There is a 30 minute time limit to tie up to the dock; however there is no specific tie up penalty for violations, so the penalty would revert to §48-7B Enforcement; violations and penalties of the Ordinance. There was discussion as to whether a policy or a penalty should be in place. After further discussions, it was agreed that a penalty is enforceable whereas a policy is not. The commission agreed to a \$50.00 penalty.

**Motion:** To add a \$50.00 penalty for vessels/boats tied up to the float in excess of the 30 minute dockage time limit.

**Moved by:** Richard Thompson

**Seconded by:** Robert Vail

**Vote:** All Approved - Unanimous

Chief Rumsey also noted that stencils to appropriately mark the floats have been ordered and will be used in the spring.

- Dinghy Dockage Concerns:

Item 1 - Mooring holders must tie off to the north side of the BCR float; however there is no specific penalty listed should a mooring holder violate this. Does there need to be a specific penalty or should it revert to §48-7B Enforcement; violations and penalties of the Ordinance? After discussion, it was agreed that no specific penalty needed to be added to this section.

Item 2 – It is not specified as to where on the dinghy the name and mooring number needs to be placed. After discussion, it was agreed that the name and mooring registration number just needs to be visible and no specific location was mandated.

Item 3 – The outboard motor engine size needs to be changed to 10hp.

**Motion:** To change the language in §48-6 Dinghy Dockage, items 2 and 3 as proposed by Mike Schwindt in a written document to be submitted after the meeting.\*\*

**Moved by:** Mike Schwindt

**Seconded by:** David Carlson

**Vote:** All Approved – Unanimous

David Witherill asked Mike Schwindt if there was anything else further regarding language. He stated no.

**\*\*10-12-17 Minute Amendment:**

**Post Meeting Action:** - The Coastal Waters Commission has accepted the language below for handling dinghies.

**§ 48-2 Definitions**

**DINGHY**

*A punt, skiff, tender or similar watercraft, 12 feet or less in length, used solely as transportation to or from a watercraft on a mooring. Each dinghy must be clearly marked so that the mooring registration number and owner's name are clearly visible from the floats in letters at least two inches high. Dinghies may be outfitted with an outboard motor of 10 hp or less.*

**§ 48-5 Dockage Time Limit**

*No person may tie up any watercraft to Town public facilities for more than thirty minutes except with special prior permission from the Harbormaster. The penalty for violating the time limit is prescribed in Ordinance Chapter 84-12-D.*

**§ 48-6 Dinghy Dockage**

*No dinghy may tie up to any Town facility such as a wharf or float without permission of the Harbormaster, except for those owned or used by a mooring holders as described below, all watercraft which tie up to the Broad Cover Reserve floats must be tied to the south side of the floats.*

*Any dinghy owned or used by a riparian mooring holder in the Town mooring field must be tied off to the north side of Broad Cove Reserve floats.*

*No watercraft exceeding 12 feet in length or equipped with an outboard motor exceeding 10 hp may tie up to any Town facility. All motors must be stored in the raised position when tied to the floats. The penalty for incorrectly tying to the floats is as prescribed in Ordinance Chapter 84-12-D.*

**Chapter 84: Fees and Fines**

**84-12-D: \$50.00**



A supplement to the last meeting's minutes: the ordinance language addressing dinghies has been accepted through an email vote of 6 for, 0 against and 1 not voting (Bob).

#### **IV. Introduction of Harbormaster Assignment**

Chief Rumsey introduced Officer Matthew Merriman, who was in attendance during this meeting. He stated that both Officer Matthew Merriman and Officer Benjamin Burnes have been assigned co-harbormasters for the town. They have been organizing the mooring fields, performing mooring inspections and have been in close contact with the various mooring companies. Attached to the minutes is a copy of the memo sent to the CWC regarding the inspection of Cumberland's moorings. A short discussion ensued regarding the memo's findings. The Chief stated that both Matt and Ben came to our department from the Department of Marine Resources, so they are knowledgeable in the field. The town's ACO, Bobby Silcott will also be assisting the co-harbormasters in follow up phone calls and other duties.

#### **V. BCR Usage Report**

David Witherill stated the BCR usage survey appears to indicate the same usage as last year. The data focuses on vehicles. It was noted that the survey does not represent walkers.

David Witherill attended the Ocean Access Committee meeting in July and stated the kayak rack would not be occurring at this time and that the kayak rack would be on a float and not on land. There seems to be a lot of interest for a kayak rack, but further discussions would need to take place in the future when discussing the pier.

#### **VI. New Business**

The gate is now in as of 3-4 weeks ago.

Chief Rumsey brought up two topics of discussion:

1. He stated he had spoken with Charlie Garland regarding the ongoing Basket Island mooring issue regarding resident vs non-resident fee. Mr. Garland (of Saco) suggested that the town may like to purchase the mooring from him and keep it as a public mooring. The cost is \$475.00. After discussion, the CWC agreed they were not interested in changing the ordinance to make an exception; and as far as purchasing the mooring, that would need to go through the Town Manager.
2. Here are some thoughts for the next meeting that arose from the initial mooring inspection discussions:
  - What will happen when we inspect again?
  - What will happen when we have actually completely identified abandoned moorings?
  - What will happen with moorings that owners fail or refuse to bring into compliance—what do we do with those?
  - Our ordinance does not address a mechanism for removal for those moorings and then what happens to the moorings after they are removed.

After some discussion, it was agreed the remedies for these items should probably go through the Town Manager and Town attorneys. The Chief agreed, but just wanted to keep the commission informed as there may be some draft ordinance language that would need to be considered at the next meeting.

David Carlson inquired what the status of the pier is. David Witherill stated that to the best of his knowledge, the Town is waiting for State funds.

It was decided an October meeting was not needed. The next meeting date is set for Tuesday, November 14, 2017 at 6:00 p.m.

The final vote on the ordinance language discussed earlier (§48-6 Dinghy Dockage, items 2 and 3) can be voted on via email.

**VII. Adjournment**

**Motion:** Motion to adjourn at 7:20 p.m.

**Moved by:** Bob Vail

**Seconded by:** David Carlson

**Vote:** All Approved – Unanimous

**\*\*Minute Amendment**