**MINUTES**

**Coastal Waters Commission**

**June 8, 2022**

**6 p.m**

**Freeport Council Chambers**

**Attending:**  Scott Gleason, Chair Mark Morrissey, Peter Polovchik, Jeff Stenzel, Tod Yankee and Harbormaster Charlie Tetreau

**Excused:** Dayton Benway, Laurie Orlando and Joe Frazer

Peter Joseph introduced Sharon Coffin to the Board as the new Recording Secretary and she was

welcomed by Commission members.

Chair Morrissey called the meeting to order at 6:01 p.m.

1. Approval of minutes from May’s meeting.

Mr. Yankee thanked Chair Morrissey for sending out the minutes in advance.

**MOVED and SECONDED:** To approve the minutes as submitted. (Gleason & Yankee)

**VOTE:** (5 Ayes) (2 Excused-Benway and Orlando)

1. Harbormaster’s Report

Charlie advised that the only thing he has is an update on our airboat situation in Freeport which seems to be the bulk of complaints in the last month. The State Statute reads now that from 7 p.m. to 7 a.m. the airboats have to be operating at 75 decibels or less and from 7 a.m. to 7 p.m. it is 90 decibels or less.

We have been doing a lot of readings last month and so far, all the airboats in Freeport have been below that 90-decibel threshold. They have not done any readings at 5 a.m. or before 7 a.m. because the tides have not lined up with everyone’s schedules getting together so he will keep everyone posted on what those will be. Obviously, they will have to lay back on the throttle a bit before 7 a.m. to get below 75. He noted Freeport has 3 airboats but there will be 4 here. Brunswick has 12 but they had 18 at one point. They took readings anywhere from 60 yards to 175 yards. They have been trying to station at where they have been getting the bulk of complaints in certain neighborhoods. The highest reading they have gotten is 89 but they are allowed to be at 90 or less. He explained that the old test that was in place was pretty technical but this one is just a point and aim test from shore so if anything went to court or a citation was issued, it would be a lot more cut and dried to be above those 90 decibels. The older one was pretty intensive. Mr. Polovchik asked how it will be enforced? Charley explained that all the State Wardens have decibel measuring devices and they will be the ones to issue a summons. State law is pretty new. This year it is mainly an educational year because a lot of airboat operators don’t know what they are operating at so we will be relaying information back to them.

There were no other questions for the Harbormaster.

1. Old Business:

Moorings outside the Harraseeket River anchorage (The CWC does not plan on having public comments on this item).

Chair Morrissey feels the Commission had a good dialogue last month. We heard some good concerns and some good comments. He gave it a lot of thought afterwards. His thoughts right now are and he would like input from the commission but it seems like we really need to improve the language in the draft. Charlie made some cuts in the draft of the language and Chair Morrissey sent them to everybody but aside from the verbiage, he feels there are two issues. The first is the registration issue and in his mind the second issue is the fee question. He would like to separate them unless we have some other issues and first discuss the registration. After hearing the comments last month, he doesn’t think anybody has a lot of heartburn in registering them on Charlie’s website at $6 a mooring annually. That would give him a database on where all the moorings are. He feels it would be pretty reasonable so Charlie knows they are marked all the same and if there is an issue and in whatever the situation is, he can easily access his database. Chair Morrissey does not think we need to have a second database or a second way to identify moorings outside the Harraseeket. In his opinion he feels that was a reasonable accommodation. He would like to hear what everybody’s thoughts are so we can move forward with it.

Mr. Yankee went back to current complaints and asked if we are keeping a log of complaints? Charlie advised that he is keeping a log now. He added that there was one last week at the end of Wolfe’s Neck when a boat came off a mooring and it was reported as stolen around 4:45 a.m. when the sun came up. It somehow got loose from its mooring and washed up on Mosier’s Island. He located the mooring it came off of and when he circled back to the owner, the owner was not sure he put it on the correct mooring. That was an issue right there and had it had a big number on it, he would have recognized it as his mooring rather than sticking it on someone else’s mooring and having it pop off. He tried to retrieve it and flipped over in his boar and was hyperthermic and Rescue was called. Mr. Yankee explained what he was trying to get at is rather than anecdotally saying we are receiving complaints and changes are needed, if we can quantify and be more specific about what those changes are so that when we are talking about other elements to this, we are addressing those and not going beyond what we need to do. Charlie agreed that it made sense. Mr. Yankee noted that in terms of the registrations, Harpswell has a list of all their GIS moorings and he asked if this is what Charlie is intending to do? Charlie advised that they use the same platform over in Harpswell that we use. They took the image right off the same database he uses for moorings inside the Harraseeket River. Mr. Yankee asked if we have it for outside the harbor right now and Charlie advised that we do not. Mr. Yankee asked if we were to mandate registration of moorings outside, would this be part of the process? Charlie agreed. Mr. Yankee asked if we would be administering what we are saying? Charlie advised that we would. In terms of the registrations, the draft says that the moorings will have to have a number on them and they will be issued a number. He asked if Charlie would be issuing the numbers and Charlie advised that he would. Mr. Yankee mentioned that last month the Commission heard that there are some numbering systems that work better than others and asked if we have an idea of how those numbers are going to stay on? Charlie explained that it falls on the applicants to have their numbers clearly marked on the balls. Often it falls to the hands of the service provider that have stencils, etc. to put the numbers on. We do have a number of moorings where folks choose to do it themselves and it works out fine. There have not been any issues identifying moorings in the river but there is always the case where a 7 turns into a 1 after a number of years but it can be remedied by a simple phone call.

Mr. Gleason advised that he did not know about the boat that broke loose outside the river. He asked Charlie if that was just a mooring out there and if Charlie is bound to go out to that mooring for that boat and also who is responsible for that? Charlie mentioned the Ordinance and that he would be the one to respond to that. Charlie offered to provide the date that the boat broke loose.

As for changes, Charlie advised that the changes were made to make the draft more specific and highlighted some of the things that are different. He provided a couple of copies to members of the public. On the first page he noted that under Applicability, he excluded 300 yards around Bustin’s Island Corporation. Mr. Yankee noted that he remembered they have their own Harbormaster. Charlie referred to Page 14 where he tweaked 17-A where there were folks that had concerns where a mother owns the house and their daughter wants to put a boat on the mooring but doesn’t own the house. He does not see any issue letting things like that occur. He tried to tweak the verbiage to give riparian landowners more than one mooring and it doesn’t specify who that mooring would be for. The property owner would have the mooring but they could put their daughter’s boat on it for the season or whatever the case would be but they would have to update it annually. The number would belong to the riparian landowner. He also changed the right-of-way. The majority of ordinances in Casco Bay was sent out earlier this month so he piecemealed a lot of stuff that was in other ordinances that fit Freeport specifically. One of them was the right-of-way. Before he had it saying fronting. Fronting can be somewhat broad in front of your property but he added the verbiage “where it is as conveniently as possible.” It was discussed last month that some rights-of-ways are only 100’ or 40’ or whatever the case may be.

Chair Morrissey brought up mooring inspections and Charlie advised that the burden is on the applicant. He is not going to go around and mandate every two years or whatever the case may be, that a mooring needs to be inspected. If something fails, it is obviously on the applicant. All he will ask is that there will be a drop down on the Check List that says who inspects your mooring?: Self, Falls Point? Check one. When was the last time it was inspected? Punch in a date. That way if something fails on a mooring, he can look back and see if the last inspection was in 2020, he can have a conversation with the property owner. Mr. Gleason asked who is liable if we are enforcing it for inside but not enforcing it for outside and it damages someone’s boat? He asked what would happen if it was his boat? Charlie advised that this is not mandating inspections but telling the applicant to put on the application any information they have. He added that in the instance Mr. Gleason is asking about, the insurances will have to battle out but the Town does not have any liability. Mr. Gleason pointed out that there are inconsistencies since there is one rule for the inside and one rule for the outside. Charlie noted that we mandate inside that moorings be inspected every two years but the outside is not. Another piece of that is the workload that would be put on Charlie. It is something we can tackle at a later date but the standards in the river are stricter than what we have outside of the river. He mentioned that Harpswell does not mandate inspections. It is a voluntary section where you can punch in whatever information you have.

Mr. Stenzel advised that the so-called inconsistencies are probably okay because of the density of boats and the amount of damage that could be caused. Others agreed. Charlie explained the information that mooring owners should provide such as name, address, emergency contact number in case someone is away and someone he could get a hold of, GPS locations, make and model of the boat.

Mr. Stenzel mentioned that if someone has a mooring in the river now, there is no right of inheritance except limited rights for commercial moorings. He asked what would be the situation of someone who had a mooring outside the anchorage and they passed. Would that number go back into the pool like it does for the river, would it be part of the estate, how would that work? Charlie explained that the way it is in the river because of the demand for moorings, lack of space, we cap out at 350 but if there was a mother that unfortunately passed away and is not selling the home, and the daughter buys the home, he has no problem keeping that number with that home outside of the harbor. Inside the harbor it is only commercial fishermen such as father to son, daughter and spouse can transfer their commercial moorings. Mr. Gleason asked if this ordinance has been reviewed by the Town Attorney? Charlie advised that he has been waiting for input from the Commission before sending it off to the Town Attorney. He obviously made the dates the same, January 1 to March 1. Once the stuff is in there, he is confident that the Commission has used the database. You don’t have to enter everything in every year unless something changes with your boat. It is all preloaded, just hop on, log in and review. Everything looks the same. Mr. Yankee asked what will happen next year because next year everything will have to be registered? He asked Charlie what will happen if he is out there checking his list on where everything should be and there are moorings not registered or are someplace they should not be or maybe they are misnumbered or haven’t been inspected? Charlie advised that he would first have to figure out who they belong to. There are a number of moorings out there that look like they haven’t been used in 10 years and a lot of it is education in the first few years. He will be letting people know the process now but if there is a mooring that he can’t figure out who it belongs to. It is just out there and there is a boat on it, most of the time he can get the registration off the boat and get a hold of the owner that way but it is always cat and mouse to some extent. Hopefully, by the second or third season like it took here in the river with the new registration, it will be pretty streamlined. Mr. Yankee asked Charlie if somebody wants to find out whose mooring is out there or who is next to their mooring, will they contact him or will they be able to look it up on line which is the way Harpswell does it? He noted that there appears to be more self-enforcement outside of the harbor than inside the harbor. Inside the harbor Charlie will be watching it pretty closely. Charlie agreed but explained that it is a matter of when there is a complaint or an issue, being able to contact that individual right away knowing right where that mooring is.

Mr. Stenzel returned to the issue of what happens when the person the mooring is registered to passes away, they move, sell the property or family inherits the property, it is very well spelled out for the river but not for out of the river and he would not like to have someone get whacked if they sold their property with a mooring in front saying this goes with the house. He personally thinks there should be some clarity about that. Charlie offered to do some research and add a few more things. Mr. Gleason pointed out that someone in the public said last month that some of these are deeded access so it should not be an issue. Mr. Stenzel explained that the commission took that frontage number out. Basically, if someone has a deeded right-of-way, they could put out a mooring and register it. Chair Morrissey added that if the house sold, they would have to re-register it. Mr. Yankee added that the mooring goes with the owner, not the property. Charlie does not see an issue since we don’t have a waiting list. It would just be reissued to the new property owner as the same number and if they wanted to put an additional mooring out there and there was space, it would be an additional number. Mr. Stenzel feels that would add some clarity because moorings for a good-sized boat are not free and if somebody placed one out there and that was an interest to the person buying the property, they should be able to reference the ordinance, contact the Harbormaster and reregister the mooring under their name.

Mr. Yankee asked Chair. Morrissey what the process is for the commission to deal with this? Chair. Morrissey explained that when this got kicked down to the commission, there was not any guidance on what the Town Council’s expectations were and he feels the commission should have a discussion about it. It is prudent for the commission to get clarification. He will reach out to the Council Chair to learn what he wants from the commission as far as moving forward with this. Tonight, he planned to just go over the new changes, discuss the moorings and registration and fees. He will get clarification on what exactly the Town Council wants from Coastal Waters and will come back next month and explain what they want from us and what we need to tackle. At that point, we will move the ball forward. His anticipation is that at minimum, registration is a reasonable expectation so he figured okay, moorings are in this year and we are not going to do anything this year. It will be next year so we will say to the Council we will require that they be registered and in the spring they will do that. He likes Charlie’s discussions about a grace period, an educational period. He asked how long that would be? Would it be one or two years, whatever we decide and give people who may not hear this, time to make those changes. He doesn’t know what the Town Council expects from us and to go back, he feels the commission should have a discussion but feels it is prudent for the commission to get clarification. Mr. Yankee feels that makes good sense but suggested that at the next meeting we have our final language and that we also open it up for public comment. Anything that goes to the Town Council is a recommendation that officially comes from this commission.

Mr. Gleason thinks that is what the Council is looking for. We are reviewing it and making some modifications and by the next meeting we should vote on the revised language including recommending fees and including whatever our recommendations are and send it to the Council. They can approve our recommendations or not. When he was personally on the Council, he always tended to take committee recommendations pretty seriously but that is up to them. He thinks that is what we should do. They will hold a public hearing and there is another chance for input from the public. Mr. Yankee wants to be sure this commission should also have public comment next time. Chair Morrissey agreed and is willing to hear any comments from the small group here tonight.

Fees were brought up next. Mr. Stenzel feels that at minimum the $6 on-line mooring fee should be covered by the person registering the mooring. He asked Charlie if he anticipates the Town asking him to cover any other additional expenses that this ordinance may make with extra fees? Ultimately the Council will decide the fees. Mr. Gleason added that they will look for a recommendation from us and will decide whether to accept the recommendation or decline it. Mr. Gleason explained that he did some research and checked as far as Port Clyde and Tenant’s Harbor and he yet is to see a municipality that just allows registering without applying for a mooring. Freeport stands out and the argument that they are outside the river, if you look at the vast expanse of Harpswell, they have far more coastline than we do and they require applications and fees. Charlie went out and visited a boat that was not paying fees and he has a mooring in the river and pays $2.25 a foot plus the mooring that he is technically paying into the pool for what people want to separate the harbor as but that will affect how much he can theoretically pay if Charlie’s numbers are not working and he has to raise rates and people in the river are paying for the outside of the river. If the Harbormaster is going to continue to answer calls on boats breaking loose and whatever, he is technically servicing non-fee-paying moorings. He is fine with the registration part. He agrees that there is not a bottle neck but the fee part, as long as Charlie is visiting those boats and responding to a call about a broken boat or a boat that washed up on Mosier’s, that has to be a serious discussion. Mr. Yankee agreed with that and thinks that there is a difference between in-harbor and out of harbor. In-harbor there is a higher level of management and a significant difference in what that fee should be. Mr. Gleason is saying there needs to be a fee and he does not know if $6 is the fee. Mr. Yankee added that it is not a tax, it is a partial recovery of what the expenses are. Charlie advised that there are a little more than a hundred moorings outside the Harraseeket. Chair Morrissey noted that is a significant number of moorings and a significant amount of work for the Harbormaster and he agrees that it is obvious that it will increase his workload and if he is responding to calls out there, that is a reasonable expectation. Mr. Gleason mentioned that Charlie is bound. He can’t say he is sorry; he is not going out to a boat. Charlie added that he cannot ignore public safety.

Mr. Yankee explained that the reason we have these fees is to recover the cost of people who use the water with boats and moorings so the people who don’t live on the water and don’t have boats don’t have to pay. It is a use fee. In harbor we are paying on linear foot. He asked if out of the harbor, does it make sense to do that or does it make sense to go with a mooring fee? At the last meeting we heard that we don’t want to make it difficult for people to not be able to afford to put a mooring in but honestly, if you have a boat out there and it costs $50, or some other number, it doesn’t seem too onerous if you have 2 or 3 moorings out there. It will not kill the bank. He does not know what that number would be. Chair Morrissey noted that it could be a flat fee and he would be in favor of that. He asked for other thoughts.

Joyce Veilleux mentioned that people who live on the water are riparian owners and they have a special tax code on their property tax bills.. She explained her home built in 1980, and the same basic sized house not on the water, pays $3,000+ less per year to the Town. There is a code on her tax bill and she feels they are already paying the Harbormaster to work. Adding a fee is adding tax to those that live on the water. She asked the commission to keep that in mind. Mr. Gleason explained that it is an assessed value. Mr. Polovchik added that he believes that if someone is within a certain number of feet from the shore, there is a surcharge on their assessment. Mr. Yankee suggested talking to the Tax Assessor.

Trip Keis of Wolfe Neck advised that in 2015 he purchased a Boston Whaler and put in a mooring. He had to submit a registration and paid a fee and provided GPS coordinates, chain length, mushroom size, etc. It is his understanding that a lot of those registrations have gone missing. He asked if he should assume his has been lost by the Town? Does he have to redo it? Charlie was not aware of any fee that should have been charged to Mr. Keis and offered to double check on his registration but noted he does not have a lot of prior years applications.

Ken Mann advised that Councilor Ed Bradley mentioned that any fees that are given for mooring space in the anchorage go into the General Fund and the Harbormaster is paid out of the General Fund under the Police Department. With any fees that the commission proposes, a small fraction will go back to the Harbormaster’s duties and costs. He explained that the commission is suggesting the fee to be $6 but that it be set by the Town Council. He pointed out that if the commission wants the fee to be $6, it needs to change the language.

Mr. Stenzel advised that the ordinance was revised and approved by the Town Council a couple of months ago. Previously all the fees were written into the ordinance and that made it inflexible to change fees, so on the revised ordinance, because anytime a fee was to be changed, it would be an ordinance change so they took it all out and the new language uniformly reads: fee to be set by Council. Mr. Mann advised if the commission wants to recommend $6, it has to put it in. Mr. Stenzel advised Chair Morrissey that the recommendation for a fee should be a separate document and that would make it uniform with the ordinance. Mr. Mann advised that any fee once it is started, never ends and always goes up. It was his understanding when this was reviewed about 12 years ago that a registration was required or voluntary, he does not recall but he turned his in and checked with Charlie about people who had done that. It was what Charlie had and Mr. Mann’s was not on there so that shows that a full discussion needs to be backed up with facts and registrations in the file. Chair Morrissey advised that when Charlie took over, Mr. Stenzel was Chair, we requested transparency. One of the biggest issues at that time was a waiting list for moorings and no one really knew. One of the big things with Charlie was to bring us into the computer age with everything we do and for transparency moving forward. He couldn’t be happier with what Charlie has done since he has come aboard. Mr. Yankee added that going to on-line registrations should help out a whole lot so you are not sending in a paper that could get lost. You are doing it yourself and that should make a big difference. That is what is going on inside the harbor.

Carter Becker clarified that the $6 is a software fee not collected by the Towns. It is a licensing fee for software. Mr. Yankee went back to Mr. Mann’s comment. He is sensitive to building fees on top of fees but there is a burden that people who are using the water and are being supported by the Harbormaster, is it fair to shift that to people who don’t have access to the water or are not using the water? He thinks there is a balance there somewhere but he doesn’t know what it is. He thinks we need to be aware of that. It is similar to the dump fee, like a user fee. Yes, ultimately, they may all come out of or go into the General Fund, but there is an attempt to make an offset there. Mr. Becker asked about the person that doesn’t have waterfront property and lives outside of town and wants a mooring somewhere in the Town of Freeport. This ordinance does not have any openings for him or her to have a mooring if he or she is not a riparian or right-of-way owner. He or she does not have any rights to the water other than being on the harbor waiting list the way this ordinance is written right now so we are discriminating against non-riparian owners as written. He asked the commission to please look into this. Mrs. Veilleux advised there is Winslow Park and Cove Road in Porter’s Landing. Mr. Becker advised that if someone asks him for a mooring, he asks where their dinghy access is and where do they use it. It doesn’t help to put in a mooring if they can’t get to it. He regulates that himself but this doesn’t have any verbiage going that way. The commission is either closing Pandora’s Box or opening it with this verbiage. The commission needs to figure it out but there is an issue in locking out the non-waterfront people.

Mr. Gleason pointed out that right now if he wanted to get Scott’s Party Moorings going, he could drop 15 tomorrow and rent them out. He was informed that he could not rent moorings and he asked if Charlie would be able to monitor that? Charlie advised that they would have to be registered as rental moorings. More discussion followed. Mr. Yankee advised that if the commission acts on something this year, it will be open for change. We will learn what works well and what doesn’t work well and tweak it and maybe next year make a change. Through logging and documenting everything, we will have more information to base changes on and if we went too far or not far enough in this area or that area. Chair Morrissey added that once we start getting more mooring registrations we will know if we are having moorings that are not registered or wel start to see these onesie-twosie as an anomaly, we can go back and make a change to it. This will not be a perfect document that will be etched in stone. We will re-address it annually or whatever.

Mrs. Veilleux mentioned that some boat owners hire people to put their moorings in and out and do winterizations, etc. She asked if that company can give the commission a list and register all of them as part of his duties or only the owner can do it? Charlie has never been asked that question before. Mr. Gleason clarified that she is asking if a third party can register the moorings for them. She asked if Mr. Becker can register all of the 60 moorings he handles?

Mr. Yankee didn’t think that would be prudent because what if he forgets? He asked Mrs. Veilleux if she has someone else register her car? She advised that her husband does that. Mr. Yankee explained that on the invoice she receives from Mr. Becker, she has all the information she needs to register her mooring. Charlie added only if she wants to give Mr. Becker her access code or whatever to get in there, as long as it is filled out and all the information is correct and in the right spot, Mr. Becker mentioned that as a mooring provider with on-line moorings, he has access to his customers to go into their on-line moorings and is accessible to all of their people. He is not sure how Charlie clicks it on and off. It is a $6 software fee and this is not a revenue stream he is looking for. Mrs. Veilleux asked about a situation where we have our year or two of education but somebody has a mooring, it breaks and the boat goes over to Mosier’s and Charlie has to do a fee schedule for somebody that is not registered and causes a problem. Will Charlie have to go out there and do stuff? Charlie hopes that he will get that mooring and make sure it is registered before the boat goes off. That will be the big push making sure all the moorings out there are under that umbrella. Mrs. Veilleux asked if there has been any thought given to doing a fee schedule when Charlie has to go out and rescue somebody’s boat if they are too stupid to tie their boat up right. Mr. Becker noted that in this instance, Charlie was the Search but someone else towed it back. Mr. Yankee pointed out that it comes out of the General Fund and there are examples of how this happening all over the place.

Ken Mann mentioned he keeps his 8’ dinghy in an all-tide water on an outhaul offshore and asked if it would be considered a mooring as well? Mr. Gleason explained that it is a pulley system and the pulleys are on the shore. Mr. Mann wanted to make sure it is not considered a mooring. Mr. Becker noted there are a lot of outhauls out there. Mr. Mann added that if the commission’s consensus is that you don’t want to regulate those things, the commission needs to make sure it is clear. Charlie offered to get something in the ordinance. Mr. Becker mentioned he has a 12’ dinghy but 8’ was mentioned in the draft. He asked if he would have to register his dinghy on an outhaul just because he drives a 12-footer and Ken drives an 8-footer? Chair Morrissey asked what people’s thought are on that? He asked if we should write it in and add a size? He feels it is a legitimate question. Charlie offered to do some research and bring it back.

Ethan Carter of South Freeport asked for clarification for a shorefront property owner’s mooring. When discussing moorings running with the property, logically as long as the mooring assignment didn’t lapse for a year between the change of owners, he thinks you can make a solid argument that moorings can run with the shorefront property. Mr. Gleason agrees with that and noted it seems to make sense. Mr. Yankee asked if the Harbormaster still retains the right to re-locate a mooring inside and outside of the harbor? Charlie added that he would work with the riparian landowner. Mr. Carter referred to Section 17, Paragraph A, the last sentence reads: riparian landowners who request more than one mooring shall receive permission from the Harbormaster. He didn’t agree with “shall” and suggested using may receive permission. Chair Morrissey suggested changing it to “at the discretion of the Harbormaster.” That is his interpretation of “may” would mean. Mr. Gleason asked if riparian landowners get two in the river? Charlie advised that State Statute states a single mooring and if they request another one, they have to go on the wait list. Mr. Carter referred to Paragraph 24 at the very beginning: All persons who had been assigned a mooring outside of the Harraseeket Anchorage so this is talking about termination, because it says who had been assigned a mooring, that creates a loophole in which you had a grandfathered mooring but were never assigned a mooring, so the termination language logically you could argue that this termination language would not apply to those people. He thinks the intent is to have this termination language apply to anyone. Mr. Yankee feels that is a good point. Mr. Gleason suggested notating that comment for the Town Council. Mr. Carter feels this language would encourage those people with creative minds to try to avoid going through the assignment process. Mr. Becker added that Trip has assigned it but his paperwork has vanished so he has got one but there is no proof for Charlie that he has done it. Is he grandfathered or not? There is no paper trail for him. If there is none, does it mean it never existed? Charlie pointed out that once they are all documented and are in there, you will be able to know what comes after that. Chair Morrissey mentioned that if this starts in January of next year, Charlie has proven to be a reasonable guy and we will work through that. He does not foresee anybody losing out on a grandfathered mooring because of the record. Mrs. Veilleux pointed out that her husband knows who owns all the moorings on the south side of Williams Island.

Mr. Yankee asked if the commission needs to discuss the amount of the fee or are we going to leave it up to the Town Council? Do we need to make a recommendation? Chair Morrissey advised that this is what he will get from them and what they are specifically looking for. He feels the commission made good headway tonight and we will have that discussion. Mr. Gleason noted that it may take a couple of meetings. Mr. Mann suggested that earlier in the meeting, the commission discussed talking to the Council Chair about it. This commission only meets once a month where the Council meets twice, he suggested putting it on their agenda so the commission gets the opinion of the full Town Council and not only the Chairperson. It seems like the Chairperson is only one voting member and if the commission wants to get consensus from the Town Council as to what they want to do with fees for example, you have the opportunity timing wise to put that on their agenda so they have a meeting to discuss that before the commission gets back to put it in or take it out or whatever you want to do. Chair Morrissey noted he would ask him but he doesn’t know if it is his place to question how the Town Council runs their business. He will ask where they want us to go assuming they will have a dialogue among themselves. He advised Mr. Mann that the Council will have a public hearing and at that point he will have an opportunity to say “I am not in favor of the fees or whatever.” Chair Morrissey is just looking for guidance on what they want us to do because we didn’t get that when it got passed back to us. He is looking for clarification and we can talk about that too. He suspects next month there will be discussions trying to narrow this thing down but he does not perceive making a decision at the next meeting.

Mrs. Veilleux thanked the commission for having this discussion tonight. Chair Morrissey explained why he added the comment: the CWC does not plan on having public comment on moorings outside the Harraseeket River anchorage to tonight’s agenda. Mr. Yankee suggested not putting that comment on next month’s agenda. Mr. Gleason thinks we should try to get this somewhat formatted to what we are looking at and the night that we vote on a recommendation, we have one more public hearing instead of having input at every meeting. Mr. Yankee pointed out that this commission is not obligated to having a public hearing but it would behoove us to have a commission discussion and then open it up to a public discussion because every time we do this, we learn something. Chair Morrissey pointed out that he is trying to get the agenda and applications out at least two weeks in advance but it is a work in progress.

Mr. Carter also thanked the commission for having this discussion.

1. New Business: Chair Morrissey advised that the commission already discussed New Business.

Carter Becker pointed out that he has two things before the commission. Chair Morrissey noted that they are not on tonight’s agenda. Mr. Gleason advised that the commission can review them next month.

Mr. Becker pointed out that this has been in the commission’s hands for 60 days or 30 days. Little Anchor LLC at 29 Castle Road is a pier wharfing out application. Mr. Gleason asked if the commission approved it at the last meeting? Mr. Becker advised that there are two on Castle Road and this is the second one on Castle Road. The other one was 34 Castle Road which was approved but 29 is pending.

Charlie asked Mr. Becker if he dropped off the application? He didn’t recall any e-mails. Mr. Becker advised that he would have to ask the girls what they did. Chair Morrissey had no recollection of this application. The April 13 Agenda was for 78 Birch Point Road, 34 Castle and 24 Merganser so he has never seen it. Mr. Becker stated that it should be in the mailbox somewhere. Chair Morrissey mentioned that he just went through it a little bit ago. Mr. Stenzel noted there are two slots in the mailbox. One is for the Coastal Waters Commission and one for the Harbormaster. Charlie offered to go and look.

Mr. Becker advised that hand delivering to someone gets it there or if they hand deliver it to Charlie, it means a kind of receipt. That is his personal preference or bringing it to the commission and making a presentation and then wait 30 days to have proper notification and such. Chair Morrissey mentioned that we have talked about this before and we all have jobs. While he dedicates a lot of time to this, he doesn’t have time to come to the Town Hall all the time and Charlie has a job as well. We will work through this but it is not a perfect system. Mr. Becker added that he and Tim Forester like to come in with their stack of papers with all the information and give you a presentation so you guys are educated about what you are about to vote on next month and you have 30 days to digest it. Maybe next month you will say we need a site walk or maybe half through, you say we need a site walk but you digest through a presentation and then go through versus putting it in the mailbox and maybe it gets in there. He recommends how he has tried to do it through the years but it is not working the way this one went.

Chair Morrissey asked that the applications for the review of the commission at least two weeks before we meet so initially Mr. Becker would drop it off to us. Not only for the commission, but also for the Town to look at. Mr. Becker would come in and give his ideas. If Chair Morrissey gets the stuff on the website two weeks before, he requested that Mr. Becker have Kathleen check to be sure it is on there. If it is not on there, please give Charlie a call and Chair Morrissey can track it down. He is trying to make the system better. Mr. Becker advised that he would take responsibility for not writing and following up personally on this one. Chair Morrissey noted he feels bad but he doesn’t know where it is.

Charlie advised that he found it in the Harbormaster’s slot. Mr. Gleason requested that Mr. Becker provide a quick overview to the commission. Mr. Stenzel suggested if Mr. Becker is not going to give the commission the information at the meeting, he should shoot Chair Morrissey or Charlie an e-mail saying I left information in whichever mailbox. Mr. Becker mentioned that he has three people he is working with and he would try.

Mr. Stenzel asked about Little Anchor LLC and if Chris Lorenz is the Managing Partner? Mr. Becker advised that his mother is the true owner but Chris Lorenz is the Managing Partner. 34 Castle Road is Chris Lorenz’s sister who bought out the end of the point. The last three properties on Castle Road are owned by three different Lorenzes. It is a family trust. Anna’s mother is Little Anchor LLC. Mr. Stenzel clarified that he is not questioning right, title and interest but is merely trying to figure it out. Mr. Becker explained how the family is related.

Mr. Becker advised that there will be a 35’ pier staircase with a 30’ staircase coming down, a 35’pier and a 40’ gangway down to a 12’ x 20’ float. It lands on the mudflats just outward of the half tide zone. They are well within the 125’ Town Ordinance length. He sees no need to go further but shortening it up would bring it up to the meadow grass area and would be affecting nature. He always strives to hit that zero-ish area. A one-foot elevation would be the shortest he would ever want to go. This will be a very comfortable accessible float. There is no exposed ledge at this location. It is farther up far enough where winter ice does not get much of a grab so it won’t get a lot of penetration and he is not worried about ice destruction. Mr. Stenzel mentioned to Mr. Becker that these are always well put together.

Chair Morrissey noted he would put this on the website in the next couple of days. Mr. Becker thanked him.

**MOVED AND SECONDED:** To adjourn at 7:42 p.m. (Gleason & Yankee)

Mr. Becker asked if there could be a discussion on a modification.

Mr. Gleason and Mr. Yankee withdrew the motion and the second.

Mr. Becker advised that 15 years ago he built a pier in the harbor at Spar Cove for David Soley.

Circling back, his 10’x20’ float is worn out and now he wants more space and is asking for a 12’x20’ float with a ramp. He has more boats and is using his float more and more. He originally asked for a 12’x24’ float but Mr. Becker talked him back on that and talked him into a ramp for a dinghy for an inflatable to come up similar to what Bean’s has for launching their dinghies and kayaks. It would be easy to pull up like a Jet Ski type ramp. He recommended that he put a Jet Ski ramp 6’ wide 10’ long half submerged to pull your dinghy up alongside. It is adding 2 feet on either side on the 20 feet and adding these 60 square feet on the dinghy pull up so it is adding some square footage to his property in the seasonal section. Mr. Becker will build it with an aluminum frame with a cedar deck. It also doubles as a dog swim ladder. He is looking to keep the record straight with the Town and this is the seasonal side of things. Seasonal systems in the past were not highly regulated or even documented. They are circling back to update it with the new system coming so the records are correct. That is how they understood it and read the ordinance and they are changing the float’s storage plan because they are coming back before you and instead of it going elsewhere, it is going into his driveway. They are improving the situation of his storage so they are trying to keep everything compliant and going. He just heard tonight that they have to go back to square one and apply for a full permit for a revision of an existing permit. He is just turning this in as notification of what they are doing and keeping the record straight for his older application and pier.

Chair Morrissey appreciated his honesty but he just found out from Charlie what Nick’s take is on the whole thing. He has not had the time to go and run this to ground so that is why we didn’t have a chance to have a discussion on this. He wanted to figure out the legality of it all and then go and discuss this. You are in fact changing what was approved so the commission has not gone down this road before. Mr. Becker pointed out that no one has ever come before the commission and said, hey, we have to change. Chair Morrissey agreed but noted the commission is in new territory so he wanted to figure this whole thing out and have an opportunity to get the information and provide it to the commission and say, what do you want to do for this? This is kind of what we are doing for all new applications. This is a change and something new that we have never done before so that is the most prudent way to go about it. Mr. Yankee thinks Nick’s advice is the right advice for this commission as well. If we don’t start doing this, we will get more and more in time. Mr. Becker noted the Ordinance says to bring changes back to you and he is following the ordinance. Chair Morrissey explained that the commission needs to figure this out and that his advice as we move forward with it. Mr. Becker advised that this is the Coastal Waters’ decision not the Planning Board’s decision and he wants the commission to defend that Nick can advise you but it is your votes and your decision that does it. He wants the commission to discuss it. Chair Morrissey stated that the commission is done tonight.

1. Elections

Chair Morrissey went back and started looking at the Minutes from last year. The first agenda he put out was July so he assumed we are due for Elections. He knows that the whole COVID thing pushed things back. In his recommendation historically he allowed the new folks to get here in April/May and then we would vote. He put it on there. If anybody wants to make changes, we can move that forward. Mr. Gleason pointed out that we are missing Laurie, Dalton and Joe. Mr. Gleason feels Chair Morrissey has done a great job and he fully supports him in the Chair position. We have a Vice Chair and Secretary position that is open.

**MOVED AND SECONDED:** For a slate of officers including Mark Morrissey, Chair, Dayton Benway, Vice Chair and Joe Frazer as Secretary. (Stenzel & Polovchik)

Mr. Gleason advised that he would prefer to have everybody here and we are missing three members tonight. Mr. Yankee agreed and mentioned that Joe might not want the position. Mr. Gleason advised that even with Sharon providing minutes, the Secretary could be very valuable and someone that could keep things moving with procedures and things like that.

Mr. Stenzel and Mr. Polovchik withdrew their motion and second.

**MOVED AND SECONDED:** To table the Elections to next month. (Gleason & Stenzel) **VOTE:**

(5 Ayes) (3 Excused: Benway, Orlando and Frazer)

1. Adjournment

**MOVED AND SECONDED:** To adjourn at 7:50 p.m. (Gleason & Yankee) **VOTE:** (5

Ayes) (3 Excused: Benway, Orlando and Frazier)

Recorded by Sharon Coffin