

There was an e-mail asking about a survey so Mr. Carter noted he went down at 4 a.m. this morning at high tide, set up a laser and took some data for a survey. If Mr. Adams found the same that he found, it is not an issue but he did some elevation work that verified that the survey here says you have. It is basically as drawn is what he verified this morning.

Mr. Gleeson asked if this is a family trust? Mr. Becker advised that the applicant has multiple businesses and this is his family's get-away. Brian Biggins is his name. Mr. Becker has talked with the house contractors and what they are doing in the house. He has determined that this is the applicant's personal house and not a rental. He added that from the HAT to the tip was 83' but it wasn't on the commission's drawing.

Mr. Gleeson asked if the commission is going to do a site walk on this application? Chair Morrissey advised that the commission is doing site walks whenever members request it. Mr. Gleeson advised that he would like to do a site walk and feels the commission should be consistent with site walks. Mr. Stenzel added that he is okay without it. Chair Morrissey did not have a preference. He noted that if Mr. Gleeson wants to do one, we can do it but this one was well under the maximum distance. Mr. Gleeson added that he is one vote and would vote on it if there is a site walk or if the commission votes to approve, he will abstain.

Mr. Stenzel advised Mr. Becker that he has been trying to figure out how to read the deeds a bit better and is wondering if the applicant has rights. Mr. Becker advised that he provided supporting sheets for that and referred to page 317 and read the verbiage on that deed into the public record.

Mr. Stenzel addressed the site walk issue with Mr. Gleeson and explained that the commission has done site walks on places where it might be environmentally sensitive or in the case of the last one there were issues of whether or not it would impair navigation. Mr. Gleeson pointed out a similar area when we were over at Birch but he knows it is not Maquoit, but again, he is one person.

Chair Morrissey asked if anyone wants to make a motion to approve the project or conduct a site walk?

MOVED AND SECONDED: To approve the wharfing out application for 159 Maquoit Drive. (Benway & Orlando)

Mr. Stenzel asked if Mr. Adams will have any objection to the survey that Mr. Becker did? Chair Morrissey advised that they went down today and he was okay with it.

VOTE: (5 Ayes) (1 Abstention-Gleeson) (2 Excused: Polovchik & Fraser) (0 Nays)

Moorings outside the Harraseeket River

Chair Morrissey pointed out that Charlie had sent everyone a couple of weeks back changes from the Town Attorney. Charlie advised that the only change that was made was about property owner/non-property owner. Definitions were removed. . Attorney Tchao had a number of issues with them. Essentially, she thought it would be better if someone lives out of town, we just keep

it as it currently is right now which is pretty much as approved by the Harbormaster. On that same subject, Chair Morrissey noted he had to sit down with the Council about a week and a half ago in a workshop and this obviously was the one big item they talked about. He could sense that it is safe to say that there will be more discussion on it when it is presented to them. If we approve this, it will be a good starting spot for them, far better than when they pass it down to us but again, this is just going to be a launching off point for them and what we thought after all of the community input we put from it. He asked if anyone has questions about the moorings?

Going back to process, Mr. Yankee asked if today the intent is to approve this as a recommendation to the Town Council? Chair Morrissey replied correct. Mr. Yankee asked when it goes to the Town Council, is there also a report of recommendation on why rather than just here it is. Is there a written report that goes with it? Chair Morrissey advised that in the meeting, Dan Piltch mentioned that he might ask him to come or any of us to come and give the Town Council a brief synopsis of what we have done, what information we have gathered for this and basically our recommendation. They will take community input like any other issue that would go before them. This is just a Coastal Waters' recommendation. Mr. Yankee clarified that all we are doing is suggesting language. We are not providing them with a formal basis for our recommendation or how we got to this. Chair Morrissey agreed that we are not, it is just our recommendation. Charlie advised that he will be at the meeting. Chair Morrissey suspects it is going to be pretty heated but they wanted something from us as a launching point for them and it will be quick, down and dirty and done. It will be a starting point for them.

Mr. Gleeson added that we kind of already voted on this way back in the day and this is just going to be some revisions if they were going to do anything. He feels it will probably be best if we let Charlie take it to the Council. It is almost like we are approving it again. Mr. Morrissey apologized but added that we are approving the language to get to them which is a formality. Mr. Yankee feels the commission needs to do that as a recommendation. Mr. Gleeson mentioned that since it is a hot topic, he doesn't know if we want to do that without noticing that we are changing the language because we are technically approving the Ordinance again. Mr. Gleeson asked if there are any substantive changes? Charlie advised that the only changes he has done is what he and the Town Attorney did the other day which is take out property owner and non-property owner and switch it to all other requests should be approved by the Harbormaster.

Mr. Stenzel offered to frame it this way: we made a motion and voted to send what we did to the Council and we could almost consider Charlie updating us on polishing some dominimus changes in the language. We have pushed it on to the Council which was all properly noticed. Chair Morrissey agreed but was under the impression that we had to approve those changes, the verbiage even though they are minor. He thought we had to approve those changes before we could send it on to Council. That is why we have been here for the last four months working with Attorney Tchao to get these few words changed. He was under the impression from everyone else that that is what they wanted to do so that is why we are going down this path. Mr. Stenzel asked if the commission can say it has a consensus on approving the minor changes as opposed to a vote?

Mr. Gleeson thinks what Jeff is saying is fine. If we come up with a consensus because in looking at it, there really isn't anything changing what our intent was. This is just legal verbiage.

He doesn't think it needs a vote. It was tweaked and we can say we are fine with the tweaks. Mr. Yankee asked when did we vote on this? Chair Morrissey advised that it was in November. Mr. Benway added that because of the notice, he doesn't think the commission should vote but agrees that if we can form a consensus that the slight dominimus word changes did not alter the intention of the Ordinance that we passed and voted on sometime in the fall or early winter, he thinks we can pass that along. Other commission members agreed. Chair Morrissey mentioned he just wanted to make sure we all agree with this and we are passing it forward as a unified group. Mr. Gleeson pointed out that we gave it to our liaison Staff Harbormaster and he tweaked it litigiously with our attorney to get our intent and he has now come back with it and a straw poll shows that no one has any issue with it. He suggested letting it go to the Town Council. Chair Morrissey mentioned this is all new ground for us and that we are all in agreement with this. Mr. Yankee feels no further action is needed.

5. New Business: Mr. Stenzel pointed out that one of the things we should be considering in the building of piers is lighting. In Yarmouth their wharfing out standards say that safety lighting only downward facing and there are a number of piers that have bright LEDs projecting out into the river and if you are trying to come in at night, it wrecks your night vision. He thinks aesthetically it looks better. It is something to consider. Chair Morrissey asked if the harbormaster has discretion on LED lighting? Charlie advised that he thinks it would have to be in a standard. He can't say that he personally doesn't like that light shining as much as he would like to. He offered to see if other towns have similar verbiage and if that is something we want to look at adding. All kidding aside, Mr. Benway mentioned that if this ordinance does come back, we can add it in then. He noted that the commission can start working on the other stuff we want to add in once we get this thing back. Chair Morrissey asked Charlie when he e-mails other Harbormasters about their services, can he throw that in and see what they have? Charlie agreed.

6. Adjournment

MOVED AND SECONDED: To adjourn at 7:45 p.m. (Gleeson & Orlando) **VOTE:** (6 Ayes) (2 Excused-Polovchik & Fraser) (0 Nays)

Recorded by Sharon Coffin

shifted over a bit to the east. Mr. Yankee asked where the property line is located? Mr. Becker pointed out where the iron pin is located. More discussion followed. Mr. Yankee asked how far down does the augers go? Mr. Becker advised that they are 7' augers and he leaves a little bit of steel above the ground and then extends up with aluminum.

Chair Morrissey asked Mr. Becker give the commission at least one drawing of the 83' line next month? Mr. Becker agreed to provide new drawings. There were no further questions for Mr. Becker. Chair Morrissey thanked Mr. Becker.

Moorings Outside the Harraseeket River

Chair Morrissey mentioned that Charlie gave everybody some verbiage earlier this month about the 15 moorings we talked about last month. He was comfortable with that and knows he is sending it to the Town Attorney for her spin on it. We haven't gotten that back yet. He asked if anybody has any comments or concerns about that?

Mr. Stenzel, just to recap what we are recommending to the Council is that the fees are the same? Chair Morrissey advised that the fee for a private residential mooring will be flat \$50 inside the Harraseeket. The mooring per foot fee inside the Harraseeket will remain what they are now. We mirrored the number of non-resident moorings inside the Harraseeket that are on the outside of the Harraseeket. That was the verbiage we talked about and Charlie sent to everybody.

Mr. Yankee asked if the verbiage will come back to us from the Town Attorney before it goes to the Town Council and we will be formally making a recommendation or not? Chair Morrissey advised that it will. He asked if everybody is comfortable with where we are now so when we get the verbiage back, we can vote on it and proceed forward? Mr. Benway feels it makes sense when he read the language and that it is consistent with what we talked about in the meeting immediately before that. Chair Morrissey added that we don't know where it is going to go. The Council will have a public hearing at the Council level. He would like to give them the best possible input from our commission moving forward.

4. Adjournment

MOVED AND SECONDED: To adjourn at 7:45 p.m. (Yankee & Benway) **VOTE:** (6 Ayes) (2 Excused-Gleeson & Polovchik) (0 Nays)

Recorded by Sharon Coffin

Moorings Outside the Harraseeket River

Chair Morrissey advised that it is unfortunate that we had some people with business arrangements that could not make tonight's meeting. He would have liked to have more folks here. Charlie had sent everybody some verbiage regarding the 10% of non-residents and the verbiage included was for all residents having the ability to have a mooring. Mr. Yankee noted being short on attendance tonight but we are looking to give the harbormaster feedback comment on this change and we will then take the whole thing up.

Charlie explained that this is what the commission requested at the last meeting to have the green verbiage, not exactly what he just came up with what he thought captured that. That is what the commission wanted added into this section so we could have it all in there before we sent it to the Town Attorney. It pretty much gives anyone that owns property in Freeport the chance to have a mooring outside the anchorage and not just shorefront owners. Chair Morrissey feels the commission is all in agreement with the entire process except for why this is a specific burden. We are kicking this verbiage on how should we put it. Carter said everybody should have the opportunity and we said it was a good idea and we came up with the 10% in conjunction for non-residents inside the Harraseeket so we put that number in there to be consistent with the 10% number for the non-residents. It was really just a matter of liking the verbiage before sending it to the Town Attorney. Mr. Yankee asked if after it goes to the Town Attorney, will it come back here so we could make a formal recommendation to the Town Council? Chair Morrissey advised that it would.

Chair Morrissey pointed out that we have put so much effort into this so far, and while he would like to get some input from folks tonight, we should table it for another month to get most of our members here so we can get their input. We have talked about it for a long time and we have gotten a lot of input from people who are not here tonight. He doesn't think they would have an objection but he thinks in order to do due diligence for everything, that is the way to go. He invited folks to share their thoughts. Mr. Stenzel feels Charlie captured the discussion pretty well in green. Charlie added that the Town Attorney might tweak it a bit. Chair Morrissey agreed that Charlie captured what the commission wanted. Mary Jackson of Lower Flying Point asked if this only pertains to recreational moorings? Chair Morrissey advised that it is only for recreational. Ms. Jackson advised that she likes the verbiage. Mr. Stenzel asked about a mooring for a lobster boat outside of the harbor? Charlie advised that if the placement is right, he does not have an issue with it. Rental and commercial moorings all have to be registered with the Army Corps. He worries about the placement of where it is and how they are accessing it. Mr. Stenzel pointed out that the way it is written, it does not exclude a commercial enterprise. Any commercial use has to come to Charlie. Mr. Stenzel advised that boat yards are allowed to have 15 rental moorings in the harbor. He asked if we want to have a similar cap outside of the harbor? Charlie feels there should be some sort of cap and perhaps we should put that in writing or someone could essentially put 41 out there and have it be

a rental marina. Mr. Yankee asked if there is an approval process to become a certified shipyard/boatyard? What does that mean? Mr. Stenzel advised that it is a zoning issue controlled by the Planning Board. Mr. Yankee added that the Planning Board does not approve transactions like that. Charlie explained that if we want to make it consistent, we could just take the same verbiage for in the harbor and put it in this section saying 15 per marina. Mr. Stenzel pointed out that there are only 3 zoned boatyards, Carter's, Brewer's and Strouts and he does not foresee anyone making another one. Right now, no one is supposed to be renting a mooring except these three boatyards. Ms. Jackson was under the impression that there were only two boatyards. Mr. Stenzel advised that there was an allocation made to the Dunning Boatyard rental moorings.

Mr. Gleeson did not see the need to increase 15 outside the river. They can go anywhere you want within the Harraseeket and Freeport waters. If we want to delve into that, it will be another meeting and possibly another meeting after that. Charlie heard 15 in and 15 out making it 30 Mr. Gleeson advised that it should be 15 total and others agreed. Mr. Yankee added that if it becomes a problem, we can always increase it later on. Chair Morrissey explained that this is not the final document. It is a working document and we have to be reasonable in our expectations if we are going to forward it to the Town Council for their approval. Mr. Stenzel wants to think about this but feels it reduces the gold rush mentality if the moorings can't be rented. Somebody might put out 10 moorings and rent them but they can't do it in the river. He thinks we should give some thought to addressing that. They are popping up like mushrooms around Pound of Tea. Charlie will add something in there that encompasses what was just said. Mr. Becker does not feel it works out on Flying Point because he has watched it.

Chair Morrissey advised that he is comfortable with the verbiage of 15 total and moving forward. He does not see this as a problem. Charlie mentioned it sounds like we are going to bring this back when we have a full board so he will tweak it.

MOVED AND SECONDED: To table to next month. (Gleeson & Yankee) **VOTE:** (5 Ayes) (3 Excused: (Benway, Fraser and Orlando) (0 Nays)

5. New Business

Mr. Yankee mentioned last night's Council meeting. The Downtown Vision project continues to make progress with the Town Council signing off on a number of projects and two of them are peripheral to what this organization does. One is to do an update to the Planning related ordinances, zoning, subdivision and all of that. It did not come up with Coastal Waters in terms of the ordinances but one of the other projects is to streamline the permitting process in town. Given Peter's frustration today, he thinks we may want to consider piggybacking on that process to see if there is also a way that we can streamline our process here since they are doing it for the Project Review Board tied to the ordinances and tied to the Zoning Ordinance, Subdivision and Design Review. This is an opportunity to perhaps get some consulting hours that someone else is paying for and say, hey, we are experiencing similar sorts of issues. Can we also participate in that process as well? Applicants might find it a little easier and the Town Council seemed to push that to the top of the other projects to streamline the process for development in town. Chair Morrissey mentioned he would be interested in that. He asked if they had a timeline? Mr. Yankee feels the process will start happening pretty fast. Caroline is working on scoping what the consultant would do. He suggested reaching out to Caroline and Dan Piltch and is confident there will not be any resistance.

6. Adjournment

MOVED AND SECONDED: To adjourn at 7:03 p.m. (Stenzel & Gleeson) **VOTE:** (5 Ayes) (3
Excused: : (Benway, Fraser and Orlando) (0 Nays)

Recorded by Sharon Coffin

JAN. 2023 CWC MINUTES

Commission visiting the area. They plan to do the pier in the spring. The application was submitted in November. Charlie looked to see when low tide would make it possible for the Commission to visit the area as quickly as possible. Charlie mentioned that on January 26 at 8:30 a.m. the water height would be negative .5. He suggested meeting at 8:15 in the driveway. Mr. Gleeson suggested making a commitment to do it on that date definitely in respect to the application and then try to vote at our next meeting. Chair Morrissey asked Mr. Spencer to verify on the day before that the stake is there so we can move along judiciously on this. Mr. Spencer mentioned he has a photograph showing the stake and Chair Morrissey advised that he has seen it. Whoever can make the site walk will have a better look at it and will have a better idea. He will take some extra pictures on his phone. He thanked Mr. Spencer.

Moorings Outside the Harraseeket River

Chair Morrissey advised that we passed along the verbiage back from the Town Attorney. Charlie advised that he has not spoken to her other than in e-mails. She is very busy and has had a death in the family. It is pretty much the same what we were discussing. She tweaked grandfathered moorings just a bit and that was really it.

Mr. Stenzel referred to Article IV. Harbormaster, Section 2 and 3 has changes that seem to remove Charlie from overseeing all of the Town's moorings to just the anchorage. It says, Harbormaster shall oversee the Town's moorings which is struck and the next one says the Harbormaster shall approve and control the placement of all moorings within the anchorage and maintain accurate records. Mr. Benway clarified that all registered moorings is what we are trying to do with this and register all the moorings and replaces the moorings above. Charlie advised that that was crossed out and No. 3 was added to clarify it a little more. He does not have the definition of anchorage but believes it is all tidal waters in the Town of Freeport and then the Harraseeket River. Mr. Benway feels what the Town Attorney is doing here is specifying that Charlie can control placement of all moorings within the anchorage but he is responsible for maintaining records of every registered mooring which is in the anchorage and out of the anchorage. Charlie agreed. Mr. Benway feels the Town Attorney is trying to clarify that which she thinks covers us. Charlie advised that he has the first few pages of the Ordinance but believes there is another section that specifies the moorings inside the Harraseeket anchorage. Anchorage Article II, anchorage is all tidal waters in the Town of Freeport that extend to the mean high tide line. The next section is Harraseeket River anchorage which is a portion of the anchorage upstream from a line drawn from Duck Ridge Point and Moore Point running through Pound of Tea. They defined them separately previously so when she is saying anchorage under Title IV, it is the entire tidal area of Freeport not just the river.

Mr. Stenzel mentioned people like Ken Mann who does not have riparian rights, they are grandfathered in but what if somebody from inland who doesn't have riparian rights wants a mooring outside the Harraseeket? Charlie advised that the way this reads, you have to have shorefront property in order to have a mooring. It is consistent with towns in Casco Bay and other areas but if the Commission wants to create some verbiage that allows someone from Webster Road to have a mooring in the anchorage, that is something we

would have to look into. He doesn't know how that would look but he is not saying it is impossible. Mr. Stenzel noted he is referring to Ken Mann because he has been to a lot of these meetings but asked where does he park his car to get to his mooring? Does he have an agreement with a friend of his? Charlie had no idea but Mr. Ring noted that is probably the case because he has been down there a long time. Mr. Benway would lean towards not allowing people without riparian rights to start with. Let's see how many requests that brings but if we have to deal with it, we will deal with it. It seems like that could open up a can of worms if anybody could throw an anchor out.

Carter Becker, as a resident not being a waterfront owner in that area, but owning other properties, he objects to that thought because we are a Freeport people, not the haves and the have nots. There are a lot of people that would like to have access to the water that don't have it and denying them the right to put a mooring out there is selective and exclusive. He is confident it would be stricken down in court probably if it was worded that way. It's we the people, not we, the exclusive.

Mr. Gleeson referred to a haul-off mooring, one says 12' and one says 14'. Charlie advised that the one that says 14' is the updated one. The way it is worded right now, anybody can put a boat out there and he believes we should not change that. It will simply exasperate his issue of moorings going up everywhere. He doesn't like what is happening outside of Pound of Tea and everything else. That is another whole subject. If somebody wants to go out near Little River and that area, he doesn't know how they will get there but perhaps they have a buddy that has a truck. Mr. Becker noted they have a problem because they have to get there. Mr. Ring added that Mr. Webster Road, Mr. Durham Road or Mr. Keystone Road should have an equal shot to have a mooring somewhere within Freeport waters if possible. There is plenty of water out there and there is no reason to exclude them but yes, they will have to make arrangements for parking, taxiing to the waterfront or some other method. Mr. Gleeson feels the commission has enough going on without muddying it up any more.

Chair Morrissey pointed out that we have left it open to anybody and he doesn't think we will make everybody happy with how we write this. He thinks we should leave it up to Charlie who has eyes and ears out there and if we have a problem later on, we will have to address it again but right now, he feels this is a reasonable cut on it. Charlie noted that right now Article V, Section 20 reads you have to have shorefront property in order to have it so we will need to rewrite it. Charlie added that this is not how it has always been. This is new as of six months ago. Mr. Gleeson advised that this was actually well intended. It was when we had the public comment period and the owners were saying they shouldn't have to ask you to have a mooring application when they have riparian rights to have a mooring. What this was trying to do was to say, you may have one and it is allowing them to not having you make that final decision. It could be construed as restrictive while it is really meant to be broadened to make sure the landowners have no way of having it declined because they have a right to a mooring under riparian rights. Charlie mentioned that something would need to be added in there that would say all other Freeport residents wishing to have a mooring in the anchorage must have an access point other than the Town dock, x,y,z and they would have to fill out an application that would have to be approved.

Mr. Gleeson asked how long it takes for the Town Attorney to come back if we make a change? Charlie would say it might be a month or a week but on average, two months. Chair Morrissey added that if we decide this is something we want to add and get this to her, if we will get it back for the March or April meeting, he feels we are doing due diligence there. No one will be looking to put in a mooring before that anyway.

Charlie asked what the commission would like the change to say? Chair Morrissey noted that the Town Attorney is the wordsmith but basically it is to open it up. Charlie asked if he wants it for just Freeport residents or someone as far away as Gray? Mary Jackson advised that it doesn't seem right that the Commission is saying that someone from outside of town can put a mooring in but someone who lives across the street from the water can't. She feels that is how it is worded. Mr. Gleeson pointed out that that is not the intent. Mr. Gleeson mentioned that the registrations for moorings outside the Harraseeket River, all mooring assignments beyond the mean low water that are located outside the Harraseeket must submit an annual on-line registration between January 1 and March 1. He feels it is sort of saying the same thing. Mr. Stenzel clarified that that is the registration and not the assignment Charlie advised that we need to put something under 20.

Mr. Stenzel asked Charlie if he remembered the ratio for resident to non-resident moorings in the anchorage? Charlie advised that it can't be more than 10% for non-resident. Ms. Orlando asked how to protect the landowners that have access from losing a spot in front of their own house if someone puts a mooring there? Mr. Gleeson noted that they were not worried about that. They didn't want us seeing what was going on there and they made it pretty clear. Mr. Gleeson noted he would add to 20 and if we wanted to make it easier to read: Mooring assignments outside the Harraseeket River anchorage shall be granted to riparian landowners and add mooring assignments outside the Harraseeket River anchorage for non-riparian landowners may submit an application. He doesn't think the commission should blow the whole thing out and try to rewrite it again. Mr. Stenzel feels it would be helpful to the landowners that if somebody wants to come in, they have to secure permission if they are going across somebody's property to get to their skiff. Chair Morrissey agreed that they can't walk across anybody's property. Charlie doesn't want to be the one to be checking on all those agreements. Ms. Orlando noted that people can always say they have an agreement but property owners can change. Chair Morrissey does not anticipate that being an issue. If anyone has a mooring out there and we allow it, he thinks they will have to come up with a way to get out there without cutting across someone's yard.

Mr. Benway mentioned having lived on the water and experienced people parking in his driveway so they can go across his lawn and look at the water noted the commission would be surprised. Ms. Jackson pointed out that she is a prime example of the non-riparian person on Island View Lane. She is very good friends with the people that live across the street from her. They have a mooring and she has a very little boat. She lets them use the little boat and they let her use the mooring. It took 3 or 4 years to establish such a friendship with her neighbors and determine they wanted to do this together. She feels people could work it out like that.

Chair Morrissey noted that we are going to rely on Charlie to make sure the riparian owners and the grandfathered moorings get first say on what they want. We heard from people that there are 3 or 4 moorings out there but now that they are going to be registered, there will be only 1 or 2. If that is what they are going to pay for and that is what they are, he feels we can rely on Charlie to make sure they get their first rights. He doesn't think we need to put all that in the verbiage but some of the stuff is going to be implied. Ms. Jackson asked if an across the street person will be allowed to be grandfathered in where her neighbors have the mooring in front of their house? Mr. Gleeson pointed out that there is a grandfather clause anyway. Chair Morrissey assured her that the commission's goal is not to interfere with what she has. Our goal is to make sure they are registered and we can track them down. We will rely on Charlie to ensure that any new moorings out there do not impact the riparian rights.

Mr. Stenzel pointed out another issue that is not addressed in the proposed changes is that there are very strict rules about renting out moorings or no inheritance of moorings except in certain commercial situations. Chair Morrissey feels those things go along with what we already have in the Ordinance as far as that goes. Charlie added that this is in State Statutes. Ken Mann was mentioned as an example and Chair Morrissey noted that if the next generation lives in Ken's house, he would not have a problem with that. If Ken sells his house, that might be a problem but we can't address every eventuality. Right now, Ken is grandfathered in and if he passes, it is not on our commission to worry about it. Charlie added that if we change this to say that anybody can have a mooring, Ken's kids are not prevented from filing a new application and dropping a mooring exactly where Ken's was. It just would not be a direct inheritance for the kids. They would have to go through the process of the application and come up with a way either working with the landowner that Ken used to cross to get to his boat or some other avenue of getting there. They would just have to go through the process.

Mr. Gleeson asked what the commission would think about putting something simple in B. Non-riparian landowners may apply for a mooring assignment outside the Harraseeket River by contacting the Freeport Harbormaster. B would then become C and then go with the deeded right-of-way. It could be something that simple and the Town Attorney could add her verbiage on it. He thinks it will be clear to anyone reading that. We could see if it is redundant with her. He doesn't think we should delete it and rewrite the whole thing, but we should add to it.

Ms. Jackson asked if the commission could put a limit of 20% on the moorings outside of the Harraseeket Harbor because right now, her neighbor is saying that he is concerned because a non-resident could come and drop five moorings in front of his house and rent them out or have boats on them if they are non-residents. Mr. Gleeson advised that he 100% agrees with that concern. We had a packed room and he brought that point up and everybody on Flying Point did not seem concerned. He thanked her for validating that same concern. Ms. Jackson noted there is a lot of space out there and it is not a problem now because they only have 6 or 7 boats in their neighborhood and they are all people that have waterfront or are next to it.

Mr. Stenzel suggested mirroring the language of the Harraseeket Anchorage and limit it to 10%. Mr. Gleeson added that all the feedback we got of any opposition was mostly from residents so he could see mirroring exactly. He thinks it should be consistent with what we already have. Mr. Benway noted he would be surprised if non-residents come up with Freeport as their destination for their mooring unless they have lived here and moved away but know the area really well. You would have to know what you are doing to access the water.

Mr. Becker added that every summer resident is not a resident and you will find out in the bay that you have a lot of non-residents. They may be associated with Freeport but they are not a resident. He stated there will be a high percentage of that and asked if that is a bad thing? These are people that are using the waterfront, renting houses, are snowbirds or whatever and they can have their boat. It is not a bad thing to have them out there using the bay. The bay is being used less and less now than it has in years past. It is good to promote more boating out there and if you are a riparian person, you probably have 350' before you can get to 6 inches of water at low tide so it is not putting a mooring in your face. He does not believe we will have a Falmouth harbor outside of Flying Point or anywhere else because we are a mudflat community, not a deepwater community.

Charlie pointed out that we say property owner, not resident so that might clarify that. That might fix some of that because if they are a property owner and not a resident, they still have access. Mr. Becker noted a renter is a property owner through proxy which is fine. He is trying to promote boating but he doesn't want all of Portland Harbor in Freeport. There is a difference there. He has had a lot of mooring interest from people in Portland and even out of the country. That is not what he thinks we should be promoting. It is more residential for our community.

Chair Morrissey suggested banging something together and he will e-mail it to the commission and then we will go from there and move the process along.

Mr. Ring asked what about the person that lives over the Pownal line, Durham, Brunswick, Yarmouth or North Yarmouth? They don't exclude us from going to Bradbury Mountain or North Yarmouth's walking trails or whatever Durham has. He feels we are blessed having the waterfront property but we need to include rather than exclude those folks. Ms. Orlando pointed out Winslow Park and Mr. Ring noted Winslow Park does not have Freeport residents only. Mr. Becker advised that Mr. Oransky, that just came for a commercial application, is a Brunswick resident so we are giving our harbor access to people just over the line. He thinks the point is how big a circle does the commission accept our community? Chair Morrissey added that 10% is the number and it is a reasonable number consistent inside the federal anchorage. Mr. Gleeson asked if it was already the number anyway? Ms. Orlando asked if Mr. Ring feels it should be more and we should open it to 20%? Mr. Ring did not want to put a number on it at this point. Mr. Orlando advised that according to what the public has told us, we are not going to have that anyhow so what does it matter? Chair Morrissey feels 10% is a good starting place. It is something we have on the books and we are moving forward. If it becomes a bigger issue, we will have to address it then. Charlie tried to clarify it by asking if the commission wants to word it by

10% of non-property owners? More discussion followed. Mr. Ring mentioned that the commission is asking applicants to submit their applications starting on January 31 or some other number, and some renters do not make their arrangements until June, July or August. Chair Morrissey noted that it would not happen this year and he doesn't think it will be an issue. Mr. Becker explained that Charlie or other companies have gone out and temporarily dropped mushrooms for renters and at the end of the year, they take them in and they are not there for the winter so it is a short-term mooring. You have to plan ahead for renewals. Mr. Becker usually gets mooring requests after they buy a boat and it is now an urgency thing. Charlie should not be locked in for registrations on only those dates. They should be just for renewals.

Charlie advised that that is what he does with the wait list right now. You can collect the wait list anytime and they have to renew it within certain dates.. Chair Morrissey suggested keeping the verbiage consistent. Mr. Gleeson feels consistency is the point of doing all of this. He doesn't want to be all over the place. If we start getting way off the track here, what's the point of this whole exercise? Mr. Benway feels the more exceptions we have, the worse it is going to be when it comes time to defend what we are deciding to do. The more we can have consistency, it only protects this group if there is a challenge. Mr. Gleeson does not want to be arbitrary.

Mr. Ring asked if the e-mail of Charlie's proposal will be available to the public? Chair Morrissey noted that the commission is just talking about massaging it among themselves but we will have a meeting and explain it all. Mr. Gleeson added that the commission still has to vote to approve it and then it is only our recommendation. The Council will have to approve it. Mr. Ring feels it would be helpful to have bits and pieces. Chair Morrissey explained that it will be massaged and he does not want to drag this out. We are just talking about a few words. We are all on the same page and he feels we can move it along. Mr. Benway advised that he feels it is coming back. Charlie advised Ms. Jackson that there is a form on line to register a pre-existing mooring. She noted that she wants to get ahead of the curve now.

5. Adjournment

MOVED AND SECONDED: To adjourn (Gleeson & Benway) **VOTE:** (5 Ayes) (3 Excused: Fraser, Polovchik and Yankee)

Recorded by Sharon Coffin

limited purpose aquaculture lease requests this last month and a half. Those requests were on the northwest side of Bustin's Ledge so he will be reviewing those in the next couple of weeks here. Conservation moorings are something we talked about a couple of months ago. They are eel grass moorings. Brunswick will be installing a number of those in the spring. He will keep the commission posted on those if they work out for them. No one has already tried the setup they will be trying in the spring. He will let them be the guinea pigs for Casco Bay.

If anyone sees any seals on their boat or on shore that have perished, they don't need to call him. He is getting probably 10 voice mails on his phone every other day. They should call the Marine Mammals of Maine hotline. They will come and look to see if it was a shark bite or whatever. If some have washed up on someone's property and they would like to have it removed, that is not a service he provides. He has called the Marine Mammals of Maine a few times and they have come right down and took a look and went from there.

Joyce Veilleux asked how big the two new aquaculture requests are and what percentage of water will be covered by aquaculture permits? Charlie advised that they are a year license so they are up to 400 square feet each. They are a year-to-year lease because they are experimental to see if the specific site will work. He did not know the exact number of current permits.

3. New Business

None

4. Old Business

Moorings outside the Harraseeket River

Chair Morrissey noted the only thing on the agenda is the potential fees outside the Harraseeket River. While it was not on the agenda last month, we did discuss it a bit. He wanted to bring it back up for the commission to continue our conversations on that. In July there was discussion about lowering the fees to \$50 for everybody and also consider if we should keep the per foot inside the harbor? He asked for thoughts from the commission.

Mr. Gleeson explained that he has come around and is good with the base fee for everybody and especially what Charlie has said about the river, feels we have to keep the per foot in the river. There was some concern from some people that this is a money grab for the Town so he did not know if the commission wanted to go through the calculations of what we would add from the outside to reduce the inside so it is net neutral on the base fee and go through that or come up with the random \$50. This is more process on his part than money. If the commission wants to go through that exercise, it is great. If not, he is happy with \$50 for everybody and then the per foot in the river. He does not feel we should raise the per foot in the river to try to offset the cost because that goes with the theory we are just looking to grab money when for him, it is a process. He has been there since Day One.

Mr. Yankee clarified that Mr. Gleeson is suggesting to leave in the harbor the same as what it is today and Mr. Gleeson agreed that it is everybody paying the same exact base rate whatever

that is but \$50 was thrown out here and we deem it can be acceptable for people inside the river. The more he thought about it, and how congested it is, he thinks it is fair. The river is an interesting place and there is a limited amount of room. If you have a 55-foot boat in the river, you are theoretically taking up two or three Boston Whaler spots and you should pay for that. He is actually good with that solution. At this point, he is not going to change his opinion. We are just recommending and folks can show up at the Council and yell at them. This is process and the only process he could come up with is that we should not be the only town that does not have a basic way of logging, documenting, having standards and a base fee for moorings. That is where he is at. Ms. Orlando seconded that. She has thought about it and listened to what was said. Nobody likes to pay for something they did not pay for before but for Charlie to have a uniform system, this is something that is necessary especially with our growing community and the more boats you will see outside the harbor. It will allow him to track everyone that is out there and who has a mooring and it may possibly protect homeowners from having moorings pop up that they don't want in front of their homes. The small fee is something that should be uniform. The people that make the argument about well, if you are in the harbor, it is protected, it is a pristine area, you have more services, they are paying for it by the size of their boat.

Chair Morrissey asked if Charlie has had many reasons to go down there recently? Charlie advised that he has gotten a number of complaints from island owners, and a couple of folks that complained they have seen additional moorings in front of their islands. One gentleman has had a mooring outside of the river for sometime and recently there is a boat next to it and he is worried they will hit. There are 3 or 4 every month. Mr. Yankee pointed out that what we are talking about is not going to solve that. Charlie agreed but added that it will allow him to see what new boat is being placed on a mooring and that they can't expect to throw it there.

Ms. Orlando pointed out that the community is growing and right now the neighbors are happy that there is one mooring here and there is another there, but people come and go and you might have a neighbor that decides to put three moorings out and let people park on their lot and go to their boat. She feels this is something we should be able to keep track of and be able to navigate where those moorings go based on GPS and the size of their boat to make sure everyone is safe and there are not boats swinging into each other. To put it on paper in an ordinance we will at least have a plan in place.

Joyce Veilleux apologized for her behavior last time. She explained that everything that has just been discussed as far as where the moorings are being placed, if they are too close, what their location is will all be resolved because everybody will have to register their moorings. Her question is whether to call this a tax or a fee? She quoted those terms in a dictionary. She doesn't see where she is going to get any services on Flying Point for the \$50 except for the placement of her mooring that she has had for many years. She listed all the things she would not be getting from what she considers to be a tax. She strongly thinks that instead of this charge the commission needs to come up with a system like the Coast Guard and others use and charge a fee for a service provided by the Harbormaster. If the Harbormaster has to go out and rescue a dinghy, charge a fee. That would be a true fee charge for a service. This is a tax

and she feels she is already paying quite a bit in taxes to the Town of Freeport. More discussion followed. Mr. Gleeson advised that the river is paying far more than outside the river. When he looks at fairness, when he used to represent the Downtown District, except for Bartol Island, they don't have the luxury of having waterfront property. They are forced to wait for a mooring in the river which they cannot get and they also do not use the Town Float. It is used by commercial fishermen. Everybody goes to Brewer's. They probably have their dinghy somewhere else. He could easily argue that he wants his fee waived because he is not going to use the Town Dock. This is a cascading problem to put on the Harbormaster over uniform fees. Taxes were discussed next. Ms. Orlando feels the values of our homes have gone up and our taxes have also gone up but that is a separate issue.

Carter Beckett mentioned the access for any mooring outside the river. We don't have public access outside the river and how are these people going to get to these moorings? He thinks we are fixing something we don't have a problem with because we don't have access. We don't have a launch service that goes from Brunswick to Yarmouth accessing moorings. If we did, we might have a problem that needs to be fixed. Right now, we don't have a problem so let's not spend all of Charlie's time spreading him too thin. Putting this much paperwork on him, something else will have to give in order for him to do the job. He does a good job now. He is trying to protect Charlie by not spreading him too thin.

Ethan Parker mentioned he can see a time sometime in the future when the idea that placing a mooring outside of the harbor is available to a lot more people than we realize. When that happens, it will potentially be a real problem for Charlie if there aren't standards in the ordinances or at the State level that give him support on how far moorings need to be away from each other. He has seen moorings starting to pop up on the end of Wolfe's Neck. He asked what is going to happen when someone puts a mooring in with a group of other moorings that is too close and that person likes a good argument. He will say, what are the standards? Is it just your opinion? It seems like it would be a lot easier to come up with some standards on how to set moorings for at least locations outside the river. He could imagine if we tried to have standards apply to inside the river as well as outside the river.

Chair Morrissey advised that he sees this as a fee and not a tax. In July we provided a fee comparison and discussed Cumberland that has a \$50 fee and they don't have services. We have discussed thoroughly the fact that no other area has no fees for moorings. He sees Charlie's job getting busier and busier. As Mr. Gleeson has said, people inside the river should not have to carry the burden while people outside the river get a free mooring. He does not see this as fair. By lowering the fee down to \$50 for everybody, he thinks it is a reasonable accommodation to make for everyone. He does not see that \$50 is that much of a lift. It just comes down to you never had to do it and you don't want to do it and that is where the line is in the sand. He just cannot see how \$50 is a problem.

Mr. Yankee returned to Mr. Gleeson's suggestion of a base in the harbor and a square foot on top of it. If we are bringing in \$100,000 right now for mooring fees inside the harbor, would the

goal be to keep it at that? Mr. Gleeson advised that he is prepared to take a net loss to the town because there is not a set budget. We already have a two-tier system so why fix it? He is willing to do a uniform fee and let the numbers fall where they fall. Mr. Yankee clarified that Mr. Gleeson is suggesting to drop the \$96 fee down to \$50 and keep the per foot fee the same. Mr. Gleeson agreed. Mr. Yankee feels before sending that suggestion to the Town Council, the commission should find out what the impact of that would be and perhaps we could do that before the next meeting.

Mr. Fraser had a somewhat contrary view which is that people inside the river are at a designated anchorage and have access to fuel docks, Town pier, and there are a lot of eyes on things going on in there so he is more in favor of keeping the fee structure inside the anchorage where it is regulated but outside the river, other than neighbors watching they really don't have anything like an amenity so if it was just the registration fee for online moorings of \$6 or whatever it is, he would be okay with that. The other opinion he has is he doesn't think the commission should really get in the weeds of the Town budget. That is the Council's job and he thinks we could go on and on and on with this and maybe the best statement we can make to the Council is that there was a range of opinions on the fee structure and here is the range. Mr. Gleeson added that he has not heard anyone with another range other than \$50.

Chair Morrissey advised that he doesn't think it matters what the impact is on the Town. This got kicked back to him in June or July and he reached out to Dan Piltch and asked him what they are looking for from us? He said they wanted the commission to take a cut at it first and come up with a recommendation. It would be a starting point for the Council but doesn't mean whatever we recommended would come to pass or if we recommended doing it, it would come to fruition. Mr. Gleeson suggested saying a universal base fee for all mooring holders and let the Council come up with it.

Carter Becker mentioned he is hearing we have a \$6 online mooring fee so everybody pays a \$6 online mooring fee and then a \$6 Town fee and then you play with the per foot fee but leave the registration fee at a small number and everyone outside the river doesn't complain. You just play with the per foot fee, not a small registration fee. He feels the commission will mitigate a lot of the complaints from outside the river. They might be able to register a small fee if the fee goes to online moorings and a small fee goes to the town and you make money per foot inside the river. It's the same budget but you reduce it drastically. You went from \$96 down to \$50. Why not go down to \$12 and then change the per foot number? That way it is a two-tier system but everybody is the same on a registration. There is a small fee to Charlie and a small fee to the online mooring and you pay per foot. If he has a 90-foot boat, he should be paying. If he has a 13-foot Whaler in the harbor, he doesn't have to pay. It is pay for square footage in the river with a small registration fee. That is really a pay for services inside the river. If you are big, you pay big. Mr. Gleeson added that he is not for changing the per linear foot. Mr. Yankee suggested that we kick it one more month and look at different ways to slice this one. He feels it would be worthwhile to run some numbers and see what it looks like. He would be happy to work with Charlie to do that and come up with a \$6 fee, a \$50 fee, a \$96 fee in the harbor, a \$50 fee outside and what does that do if you adjust the per foot rates? This is just to

try to put our arms around this with a little more work. We are talking fees and concepts but at some point, somebody is going to have to quantify what is the difference.

Chair Morrissey noted that if we are going to kick this down the road for another month, he thinks we should have a couple of specific ways to do it as opposed to a generic 15 difference way. He does not feel it is necessary but if the commission wants to do it, he will support it. Mr. Fraser doesn't think we should be getting into the total money this has to generate. Let the Council do that. More discussion followed. Mr. Gleeson feels we should move this on today.

Ken Mann noted that no matter what you do, somebody is going to say it is not fair. He noted that he feels the waterfront owners are paying their fees through their taxes and the people that have moorings in the harbor probably don't own property in the Harraseeket River Estuary so they are paying for the right to have their moorings there. He feels the property owners are already paying more than their share. He provided some historical info that he has viewed over the years. He is proud of the fact that Freeport is one of the few towns that has no fee and hates to see us leave that mode. He plans to make his arguments in front of the Town Council. He requested that the commission reduce the fee.

Mr. Gleeson feels the whole discussion is whether we should put in a base fee or not. Since the base fee is the one in question, we might as well put a number on it since \$50 was thrown around. The Council can throw it out or modify it. Mr. Yankee added that this is one of the few commissions that has the ability to suggest changes to its ordinances rather than going through the Ordinance Committee. He thinks we should craft that and it would be good to have that in advance of the next meeting. We can stay away from the fees or we can have a general consensus among the commission. He advised Mr. Fraser that we will probably not see head-to-head on all of this but if we can get a general consensus, we can come up with the language for the ordinance. Charlie advised that the Town Attorney is looking at what we proposed and we actually do not put fees in our ordinance. We only need to make a recommendation to the Council. Chair Morrissey advised that the commission will recommend to the Town Council based upon this issue a \$50 for all moorings in the Town of Freeport and that would be it. If we are not going to change the per foot rule, that is a non-issue because it will stay the same. That is what everybody wants to do. Ms. Orlando noted that we wanted the \$50 or whatever that number is to be a universal fee and that is the point we want known to the Council.

MOVED & SECONDED: To set the base mooring rate of \$50 for all moorings in Freeport waters with the existing per foot charge for all mooring holders within the Harraseeket River to remain the same. (Gleeson & Orlando) **VOTE:** (5 Ayes) (2 Nays-Fraser & Polovchik).

Since Mr. Polovchik was a nay Mr. Gleeson felt he did it wrong and offered to revise his motion. Mr. Polovchik explained that he is looking at this issue as an excise tax on his car. He has something and he pays for it. Everybody that has a mooring should be paying something for it. Maybe as it goes down as a car goes down over the years. You could also look at it as school taxes. Does everybody have a child? Everybody gets taxed on schools so it is difficult.

MOVED & SECONDED: To recommend to the Town Council a base mooring rate of \$50 for all moorings in Freeport waters. (Gleeson & Orlando) **VOTE:** (8 Ayes) (0 Nay)

Mr. Yankee clarified that the attorney will get another draft and will bring it back to us. We will look at it and make a recommendation one way or the other to push it up to the Town Council. Chair Morrissey explained that as soon as he gets it back from the Town Attorney, he will get it out and put it on the agenda. He does not know when the Council will put it on their agenda. Mr. Yankee advised that the public hearing will be with the Town Council and not us.

5. Adjournment

MOVED AND SECONDED: To adjourn at 7:07 p.m. (Yankee & Orlando) **VOTE:** (8 Ayes) (0 Nay)

Recorded by Sharon Coffin

does not know how far engaged he has gotten. Mr. Yankee asked if we want to do that? Chair Morrissey noted that there is a dialogue but he can find out how the process goes and will let the commission know next month. Mr. Benway feels Nick will not want to make a statement until we do something and he will react to that. That would be his guess.

Mr. Yankee pointed out that as far as this goes, he is not seeing any red flags. He is comfortable making a motion to approve this.

MOVED AND SECONDED: To approve the application for 41 Shore Drive.
(Benway & Orlando) **VOTE:** (5 Ayes) (3 Excused-Frazer, Gleeson & Stenzel) (0 Nays)

Chair Morrissey noted he will now let Nick know. Mr. Yankee added that the applicants need to stay within the measurements they have here. Mr. Roberts asked if it is determined by the repair team that the structure should have been wider or taller, then what? Chair Morrissey advised that they should return to this commission and explain what is going on. They could start out with an e-mail and go from there. Mr. Benway added that if they use a contractor familiar with this type of thing, they should be able to help walk them through it.

3. Old Business

50 River Rock Lane

Chair Morrissey asked if any commission members have any questions? Mr. Benway asked when they plan to start work on this? Lisa Vickers from Atlantic Environmental advised that they were hoping to start this summer so the last step will be approval tonight and they have already submitted a building permit to Nick Adams. With Army Corps they are hoping it is just a matter of him signing off on that. There were no other questions raised.

MOVED AND SECONDED: To approve the application for 50 River Rock Lane.
(Orlando & Yankee) **VOTE:** (5 Ayes) (3 Excused-Frazer, Gleeson & Stenzel) (0 Nays)

34 Cunningham Road

There were no questions raised by the commission.

MOVED AND SECONDED: To approve the application for 34 Cunningham Road.
(Benway & Yankee) **VOTE:** (5 Ayes) (3 Excused-Frazer, Gleeson & Stenzel) (0 Nays)

Chair Morrissey advised that this is what was on the agenda. He noticed there were guests and asked if anyone had something to say. Ken Mann mentioned that he understood the commission was going to discuss the mooring fees. Chair Morrissey advised that it was initially on the agenda but he took it off the day after he posted the agenda because he realized we were going to be short three people. He mentioned that it would be talked about next month. Mr. Gleeson is pretty involved in it and he would like to talk more about it and Jeff Stenzel feels the same so he wanted to be sure everyone would be here to discuss it. We can discuss it tonight or you can hold off and talk about it next month.

Joyce Veilleux wanted to talk tonight as well as next month. She mentioned that she is a riparian landowner down on Maquoit Drive and she doesn't feel she should be taxed again for whatever the fee for a mooring is. She pulled some comps to educate people on taxes and properties here in Freeport and shared the information with the commission. She explained that her small house on a half-acre of land is assessed at \$672,300 and pays the same mil rate as everyone else. She explained that a house at 30 Byram is one block from her house that is a bit smaller but doesn't happen to be on the water, is assessed at \$341,800. It is a much newer house. She also provided other assessments on houses on Kendall Lane and East Street. She feels they are paying a higher percentage of the Harbormaster's salary and she doesn't think she should be taxed again.

Mr. Polovchik asked if this is something Coastal Waters should be involved in. Mrs. Veilleux advised that Coastal Waters is involved in whether or not you can charge her for a mooring that she has had out there since 1947 and she does not think you should. She is already taxed twice what you are or anywhere else in this town because she happens to be a riparian landowner. She feels it is her inherited right to have her mooring and it is a State Statute right that she is allowed to have that mooring and she doesn't feel the commission should tax any water owner again.

Chair Morrissey pointed out that Mrs. Veilleux is paying more because she has waterfront property. It is a fact and it is not just Freeport. Everywhere does that. He mentioned there is a reason why she has to pay twice as much money. It is because she has a wonderful view and that is what people want so that is why the Town taxes her. He is sympathetic to what she is saying. This is a conversation we are having as a commission but we decided to move forward.

Ken Mann added that his family has lived in Freeport for 12 generations and he would not want to think that he is the last generation that could go down there and put a mooring in without being taxed because once you start doing this, it will never stop. He feels that his children and grandchildren will probably not have boats in the harbor any more because of this fee and the regulations that go with it. He is here to say that it is a way of life they appreciated having lived in Freeport for generations. He knows the price of the fee has not yet been determined but at \$50 a year and he gets to use his boat perhaps four times a year, it is a discouragement to a lot of people to keep a mooring. He would like to see Freeport remain free in that sense. He does not see the need for more money as he looks around this town. We have businesses, buildings, fire departments and police that are the envy of a lot of communities and the fact of the matter is that this is a new tax and will force local families like his in another factor of moving out. At the last meeting he asked if you do go forward with it, to consider an exemption for people of a certain age. He feels this is going the wrong way for his family.

Ethan Parker noted he is struggling with the Town's desire to start charging people for something they are already getting. If people start paying a mooring fee, are they going to get more services from the Harbormaster? It doesn't sound like it so if he is already doing it, has he been doing it for free for decades? It seems unlikely given that the Town's budget goes up and down and sometimes it is really tight and so if you are providing free services, it seems like

when budgets were tight, that would have been the time to start the charges if in fact, the Town could not fulfill its obligation to provide these services. If they are elective services, the town has decided to provide, maybe people have the option to opt out of those services. It seems like what people are struggling with the most doesn't get said. People have a mooring and they have had it for decades and haven't had to pay for it but now they will have to pay for it but they don't get anything new, why? If that is easily answered, then maybe the arguments will die down a bit.

Chair Morrissey feels in some ways it has been answered. Charlie has said that he is going out and responding to folks outside the Harraseeket. He had to respond and provided some examples at the last meeting of him going out there so they are getting all the services that he would provide but yet they are not paying for it. The other question that came up was from boat owners who are inside the anchorage asking why those people are getting free services? Why are they getting a mooring for free? "I am rowing out to my boat from Spar Cove and I don't get anything" so there is that side of the coin. They are looking for equity. We are hearing from owners of moorings outside the Harraseeket but unfortunately, we haven't gotten any people other than Commission members, to say why do they get a free mooring. That is why we did our research and looked around from Cape Elizabeth to Harpswell and found there is no place that has free moorings. We talked about lowering our mooring fees down to \$50 for everybody to accommodate folks inside the Harraseeket that are not using the services. When you look at the services other places provide, we don't provide a lot of parking, rest rooms or launch services so that is why we talked about lowering the fee and making it more comparable to other towns for everybody. These are just talking points we have been considering. We haven't reached a conclusion. We are just kicking it around and that is where we are at.

Carter Becker pointed out that he feels we have the best harbor in Casco Bay and beyond for storms, hurricanes and services. Outside the harbor, there are no natural protections and what he is hearing is that they don't want Harbormaster protection. They are already protecting themselves out there. Unless Charlie can put up seawalls and barriers to protect their moorings from Mother Nature, you are not adding any services to them. You are adding taxes. If you are not protecting them in that way, leave them alone. The people that have moorings in the Harraseeket Harbor are highly privileged and are willing to pay for it. Those outside should be left alone.

Mrs. Veilleux noted that just because other towns do it doesn't mean we have to. Instead of taxing us, if Charlie goes out and responds because her boat is on the beach, then just like Sea Tow, Boat USA or the Coast Guard, there is a fee, charge a fee. If he has to go out because she has done something stupid and her boat is on a rock, and he has to recover it, charge a fee by the hour, whatever time he left the dock or whatever you decide. If she is a responsible boat owner and the mooring she has had since 1947, and he never has to do a thing, what is she being taxed for? She will maintain her boat, get it registered and inspected.

Mr. Yankee mentioned he understands what is being said and it is impacting his thinking. He is still unsure where he will end up but he thinks it is not quite fair to keep calling this a tax. The

commission is not suggesting that it is a tax. In terms of similar fees, when the Town dump opened, was there a fee initially? No, but then there became a fee and we have a fee now to bring your trash there. It is a user fee and you have the option of whether you want to bring your trash there or have someone pick it up or you can bring your trash somewhere else but it is a user fee. We also have a user fee if you are on Town Water or Sewer. That is a user fee. It doesn't apply to everyone in town. It applies to those users and it is your option on how you are going to deal with that. He thinks it is not accurate to keep calling it a tax. He views it as a fee and whether there should be a fee or not, he doesn't know. It is certainly not a tax because you are only paying it if you use it. The more you have, the more you pay. Mrs. Veilleux agreed to call it a fee if it will help with the dialogue.

Mrs. Veilleux advised that she is so tired of every committee including the School Board that she has gone to that has said, if you don't like it, sell it. She is not going to see a benefit when her home is sold because when she dies, her ashes will be put there so she can haunt the place!

Mr. Benway wanted the minutes to reflect that she will haunt the place. Mr. Yankee pointed out that municipalities and states are trying to deal with that issue everywhere and it sounds like there is some traction in Maine to help with that. It is not meant to offset taxes or something else other than in this area we don't have an Enterprise Budget set up for this. If we did, he suspects it would be more expensive to have moorings in town than what we have now. His hunch is that it would be a lot more expensive and our general taxes are offsetting moorings. Is that fair to people that don't have moorings in town? Certainly, we all benefit by living on the coast whether you live on the shore and whether you have a mooring or not. It is one of the reasons why a lot of people live in Freeport. It is a hard one but he understands what is being said and everyone made good points.

Mr. Becker pointed out that there are 350 moorings in the harbor at \$350 a piece so that is about \$122,000 revenue for the Town coffers. This is to give the commission a good idea what in the harbor is adding to the General Fund.

Chair Morrissey noted that he plans to push the ball forward next month in whatever direction people choose to go in. Mr. Benway explained that they did feel strongly that the whole commission needed to be here because it is an important enough issue and if you are missing three members, a decision of this magnitude would not be fair. Mr. Yankee added that the commission is not backed up against a deadline so there is time to talk about it.

4. Adjournment

MOVED AND SECONDED: To adjourn at 6:55 p.m. (Yankee & Benway) **VOTE:** (5 Ayes) (3 Excused-Frazer, Gleeson & Stenzel) (0 Nays)

Recorded by Sharon Coffin