

# **Eliot Town Harbor Commission**

Lee Emery - *Chairman*  
B. Cabot Trott - *Vice-chair*  
Lori A. Howell - *Secretary*

Benjamin P. Brickett - *Member*  
Douglas A. Anderson - *Member*  
Charles L. Rankie - *senior alt. Member*  
Richard Russell - *alt Member*

## **Harbor Commission Meeting**

### **Minutes**

**March 21, 2016 – 6:00 pm @ Eliot Town Hall**

Meeting called to order at 6:00 p.m.

#### I Roll Call

Present – Lee Emery, Ben Brickett, Doug Anderson, Charles Rankie, Richard Russell  
Delayed until 6:20 – Cabot Trott  
Absent, excused – Lori Howell

Charles Rankie appointed to voting member in the absence of Lori Howell and Richard Russell appointed to voting member during the interim absence of Cabot Trott.

#### II Agenda

*By motion duly made and unanimously approved, the agenda was amended to move item 5.c to include in item 4.b and item 5.b will be addressed under 5.f.*

#### III Minutes

*By motion duly made and unanimously approved, the minutes of January 18, 2016 were accepted. By motion duly made and unanimously approved, the acceptance of February 15, 2016 minutes is postponed until the April 18<sup>th</sup> meeting.*

#### IV Reports from Officers and Boards

- a. Town report submission--Chairman Emery reported that Melissa had requested that he provide a letter on behalf of the Harbor Commission (HC) for the Town Report. Because of the limited time frame, the letter had already been submitted. Mr. Emery read the letter submitted. Two items of concern were raised by HC members: (1) that the letter indicated that the HC task is complete, but as the Chair explained, by the time the Annual Report is published, it will be, although at the time of writing the letter it is not and (2) Mr. Rankie noted the use of “committee” where it should be “commission.”
- b. Time frame to submit Harbor Ordinance (HO) – Chairman Emery reported on the chronological order of procedure as discussed with the Town Manager (TM): 1. Submit update 2. Review by planner 3. Legal review 4. BOS review 5. Public hearing 6. Public hearing of any corrections 7. Final copy for warrant 8. Public vote. The HO would need to be completed by April 4<sup>th</sup> to make the June ballot. The Secretary of State has suggested to the Town Clerk (TC) to keep ballot to a minimum because of the high volume of turnout anticipated for the November ballot. Ultimately it is up to the Select Board (SB) to determine if the HO is important enough to put on the warrant. Mr. Brickett reported that during a meeting with the TM and TC it was stated that the HC can get the HO on the radar of the BOS and request a place holder for the November warrant. Mr. Rankie suggested the HC complete the timeline and present it to the TM. HC members agreed that the five month timeframe is doable. A critical path schedule was determined based on the November warrant date, and indicating the final draft of the HO

needs to be complete by the May meeting. Mr. Brickett asked that all members complete a full review of the HO prior to the April 18<sup>th</sup> meeting and be prepared to make final suggestions, corrections, and changes so that a final draft can be ready for the May meeting final review. The final draft will be provided to the TM before the end of May for both the planner's and legal review. The June 20<sup>th</sup> meeting of the HC will review changes made by the planner and legal review. **Mr. Rankie agreed to send out the completed timeline to all HC members and the Chair will also give it to the TM. If HC members recommend any changes, they can send these directly to Mr. Rankie. The Chair will report on the TM's reply at the April 18<sup>th</sup> meeting.**

- c. The Chair read the items pertinent to the HC from the Harbor Master's (HM) February report, including that the HM worked on the mooring waiting list and the 2016 list will be posted.

#### V Unfinished Business

- a. Members addressed areas of concern regarding issues raised in Mr. Brickett and Mr. Russell's draft letter to TM for spring mooring renewal issues, which included the number of hours the HM is available for registrations, the description of the mooring location and proof of inspection. Members expressed a general preference for "in-person" registration as opposed to online, while acknowledging that this may not always be possible for every registrant. **Mr. Russell agreed to make corrections and send to the Chair who will forward to the TM.**
- b. Mr. Rankie reported on his information from the legal department at Maine Municipal Association (MMA) on 'Riparian Rights.' A copy of his March 14, 2016 letter to MMA and MMA's response is included in the minutes. Mr. Trott also distributed copies of "Public Shoreline Access in Maine: A Citizen's Guide to Ocean and Coastal Law."
- c. Ms. Howell's report on the how the State sets ceilings on mooring fees charged to residents and non-residents was distributed to members.
- d. Mr. Brickett reported on the issue of mooring fees after meeting with the TM, TC and HM regarding which town expenses are associated with the fees. He was told the HM budget is entirely funded by the General Fund and there is no association with the HO, however launch fees are different. The TM estimated for 2016 that the town will collect \$17, 649 in launch fees and \$7,000 in mooring fees. The members discussed concerns regarding who sets fees, BOS or HC, and how this affects the HM budget. ***A motion was duly made and approved by four members with Mr. Brickett against, to have the Chair send a letter to the TM requesting information on the amount of the HM salary designated for the enforcement of the HO.*** Disagreement centered on whether the HC has justification for knowing this information based on the HC responsibility to set fees.

#### VI New Business

No new business.

#### VII Good of the Order

- a. Announcements – The next meeting is scheduled for April 18th, 2016 at 6 p.m.

#### VIII Adjourn

***Motion to adjourn was made by Mr. Anderson, seconded by Mr. Rankie and unanimously accepted; the meeting was adjourned at 8:18 p.m.***