

Special Meeting of the Eliot Select Board  
Joint Workshop of the Eliot Select Board & the Eliot Harbor Commission  
April 6, 2017

Present:

Select Board: Rebecca Davis, Roland Fernald, Bradley Hughes, John Murphy, Robert Pomerleau

Harbor Commission: Lori Howell, Charles Rankie, Cabot Trott

Public: Dennis Lentz

The Chairman opened the special meeting of the Eliot Select Board at 5:30 PM and explained that new information had come to light on the subject surrounding the Fact Finder, and that discussion would be postponed until Executive Session at the next regular Select Board meeting on Thursday.

No public comment.

The Chairman closed the special meeting at 5:31 PM and opened the joint workshop with the Eliot Harbor Commission.

The purpose of the meeting was to discuss final adjustments to the Harbor Ordinance. There were multiple versions of the Harbor Ordinance on the table. As a reference copy, the group agreed to use the one entitled, "Town of Eliot, Harbor Ordinance, January 24, 2017, Bernstein Shur," provided by the Town Manager.

In addition to minor grammatical and formatting changes to the reference copy, the following revisions were introduced:

**II. Definitions, Item 6:** Revised to "Commercial Mooring: Used for a marine-related business or commercial fishing purposes."

**II. Definitions, Item 7:** Revised to "Commercial Vessel: Watercraft used for marine-related business or commercial fishing purposes. The burden of proof..."

**II. Definitions, Item 8:** Revised to "Boat: Shall mean any floating objects or vessel designed for self-propelled navigation on the water." This definition being derived from another town's harbor ordinance.

**II. Definitions, Item 22:** The term "buildable lot" was revised to "lot."

**II. Definitions, Item 27:** Revised to "Structures from shore extending out over or beyond the mean high water line."

**IV. General Mooring Administration, Item 1:** Revised to "Reasonable Use: In recognition of the limited mooring space in the waters of Eliot, and high demand for said moorings, the Town of Eliot will re-assign unused moorings and will make under-utilized moorings available for re-assignment."

**IV. General Mooring Administration, Item 5:** Revised to "The Harbor Master shall maintain a current list of moorings that indicates types (commercial, non-commercial) and so designating each mooring as either resident or non-resident owned."

**V. Mooring Assignment Procedure, Item 2, Paragraph i:** Revised to "Proof of payment of boat registration fees, when required." The term "boatyard moorings" was removed.

**V. Mooring Assignment Procedure, Item 3:** All references to “riparian” were removed.

**V. Mooring Assignment Procedure, Item 4:** Revised to “When a mooring site becomes available, the Harbor Master shall offer the site in accordance with 38 MRSA Section 7-A and per Section VI, Paragraph 1, of this Ordinance.” The Order of Precedence was removed from this section because it is referenced in Section VI.

**V. Mooring Assignment Procedure, Item 5, Paragraph b:** The following sentence was removed: “This applies to all categories of commercial moorings.”

**VI. Waiting Lists, Item 2, Second Line:** Revised to “Waiting lists shall be updated annually following June 1st and thereafter as changes occur.”

**VIII. Mooring Usage Regulations:** A new item was added after Item 2, and all subsequent items were renumbered: “If the Harbor Master finds that a non-commercial mooring has not been used between April 1 and October 1 of the year in which the permit was issued, or if the Harbor Master finds that the holder of the permit no longer owns the vessel specified in the mooring permit application, the Harbor Master shall give notice to the permit holder of the Harbor Master’s intent to revoke the permit. Notice shall be given and shall take effect as specified in this Ordinance. Unless, within fifteen days of the effective date of such notice, the permit holder demonstrates extenuating circumstances to the Harbor Master, the Harbor Master shall revoke the permit using the procedure set forth in this chapter. “Extenuating circumstances” means circumstances which make it impossible or impractical to have a boat in the water during the boating season, such as, but not limited to, loss or destruction of the vessel, mechanical breakdowns or unexpected repairs, or death or serious illness of the permit holder. Decisions of the Harbor Master under this paragraph may be appealed as provided in this Ordinance.”

**VIII. Mooring Usage Regulations, Item 4:** Revised to “Before removing a mooring or a buoy, the Harbor Master shall notify the vessel’s owner (by certified mail, return receipt requested), at his last known address, of the action...”

**X. Fees, Item 1:** The term “boatyard” was removed. The following item was added after Paragraph e: “Waiting List fee.” Paragraph f was changed to Paragraph g.

**XI. Harbor Use Regulation, Item 1:** The last sentence of the paragraph was revised to “Operations of vessels shall be governed by the rules and regulations of the State. Particular attention should be paid in the following areas: ...”

Charles Rankie finished the meeting with a request for a complete and accurate mooring master plan which would record both existing moorings and additional moorings that could be made available for use. The Chairman advised that a letter be submitted and added to a Select Board agenda.

Meeting adjourned at 8:02 PM.

Approved: May 11, 2017

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John J. Murphy, Secretary