

Falmouth Harbor/Waterfront Committee
September 17, 2020 at 7:00 PM
Virtual Meeting

Roll Call

Present: Richard Garrett, Richard Craven, Marty Bruno, Alan Twombly, Peter Dion, Janice De Lima (Council Liaison), Manny Kourinos, Chris Dyer (Hand Boat Service), John Kilbride (Chief of Police).

Not Present: Chuck Sanders (Portland Yacht Club)

I Chairperson's Comments

Explained the Roberts Rules of Order to the public. Will allow public comment before getting into the agenda items. No public comment will be invited during agenda items, unless it is related to Mr. Grondin.

Town Landing, starting around March 15, was a very busy area. Thanked staff for great work on cleaning efforts. Grant money to be put to good use.

Tropical storm Isaisa came in quick and was out quick with not a lot of rain. Great preparation - a lot of boats were hauled. Not much damage.

II Approval of Minutes, November 7, 2019 meeting

Peter Dion made a motion that the minutes be accepted, as is. Richard Craven seconds the motion. The minutes were approved unanimously.

III Public Comment

John Winslow, Gray Road: there has been years of abuse by a lot of members of the fishing community and the mooring community. An example of this abuse happened on Wednesday. The Linda Kate had sat roughly 80 feet from the launch ramp for at least 1.5 hours and there is a 20-minute time limit. A small sailboat had to work around this boat in order to get pulled. Has also seen abuse of the trailer parking area. Feels something needs to be done to stop this abuse of the facility. Need to keep dock free for use. Also, the harbor leaves the docks in late and puts them in early for the commercial fishermen, yet they are the ones doing the most damage to the facility. Would like to see something done about the abuse that is happening at the Town Landing.

Keith Noyes: saw webcam installation on the agenda, wondering if this is something that will be available for mooring holders to logon and watch? (Richard Garrett replied that Marty Bruno will be giving a presentation and there will be discussion). Noyes is in favor of the webcam and feels it is an excellent idea.

John Winslow: wanted to point out that tonight's meeting was not sent out to the mooring holders, nor was the link for the webinar. Notification to the public was limited. Sent an email to Councilor De Lima to let her know this was the case. Feels there may be poor response because not many were aware this meeting was happening.

IV Harbormaster Report

This year we had 1184 moorings, two more than last year. We currently have 50 residents on the waitlist, last year we had 34. We have zero non-residents on the waitlist, down from two last year. The August 4th storm, we only had a couple of incidents of boats breaking free because of a chaffed pennant. In one incident, it appeared the pennant was wrapped around the mooring chain and chaffed during the storm and broke free and landed on shore near Casco Terrace, causing minor damage along the way. Another boat broke its mooring at Handy Boat, most likely due to being secured to the mooring by the stern instead of the bow of the boat, causing minimal damage. The person owning this boat was informed to never secure his boat by the stern again or he would be asked to leave the anchorage. Another incident we had is related to the Achilles II, which sunk onshore causing the beach to be shut down for two weeks. The floats are due to be hauled October 15 and 16 for the outside floats and November 2 and 3 for the commercial floats.

A side note – we only took seven people off the waitlist this year, which is the least amount we have ever had. Typically, it's 15-20.

V Agenda Items

A. Gerard Grondin Appeal of Suspension of Moorings and Privileges at Town Landing

Gerard Grondin – discussed his background and personal history. He does not dispute Al's letter, all true. His appeal to the committee is for an easier suspension of his privileges. He apologized for the incident that brought this meeting to happen. The cause of this incident was that the mooring line was caught, so the boat was cut loose and brought into the beach but he forgot to put in the scupper plugs. This caused the boat to sink. He found out the day of the boat sinking that he is not supposed to transport people without a special license. He has responded by applying for a Captain's license, which he will have sometime next year. Received the DEP Report – both water samples found to be non-detect, which Mr. Grondin felt it was important to note.

Over the past 35 years, he has had four incidents which were mentioned in Al's report. He takes full responsibility but asking for easier suspension.

The Airbnb and lobstering are supplementing his retirement. Loves it and wants to continue until he is 80 years old. Does not want to go on a waiting list.

Public Comment

Paul Smith – Falmouth resident and friend of Gerry Grondin's. Not much public outcry, possibly because the DEP report stated the water samples were okay. The beach closing was maybe arbitrary. This particular incident was not a disaster of any kind, no harm done. Gerry Grondin is a wonderful man and helps people immeasurably in his community and in the Portland community. Gerry was able to get down there and clean this up before it became a disaster. Does not feel there is any necessity to sanction this man.

Harbor Committee Response to Appeal

Ritchie Garrett, Chairperson – Two issues: lobster business and the Airbnb on Sturdivant Island. The concerns are operating a passenger service without a license or a permit from the Town. At this point, his lobster traps are onshore and the boat that was on the beach has been hauled. So, we will not need to worry about that situation for the rest of the year.

Richard Craven – Due to the waitlist numbers, this one-year suspension could extend longer. Could we modify it in a way so it is only a suspension for the prescribed amount of time – one year?

Alan Twombly – The way the ordinance is written, resident commercial fishermen get moved to the top of the list, so it wouldn't be longer than a year.

Chris Dyer – In reading the proposed suspension, what exact code section is the suspension predicated on? Is it predicated on the transporting of passengers in violation of the ordinance? Or did it tie into an ordinance pertaining to the environmental impacts? Which code section is being applied in the memorandum?

Alan Twombly – Section 9-105, paragraph G. It is a combination of all the violations. Sinking a boat is not a violation, but when someone has had three boats sink in 10 years, and this incident caused us to shut down the beach for two weeks in the middle of summer, we must take that into account. Preventing a future catastrophe, the spilling of more fuel, shutting down of the beach for a longer period of time, and environmental hazards. Also, violation of Coast Guard Ordinance by not having a six-pack license and transporting passengers from Town property.

Ritchie Garrett – Explained that a six-pack license is a commercial license issued by the United States Coast Guard which allows you to carry up to six passengers in a boat. Mr. Grondin would need one of these licenses to continue transporting passengers.

Marty Bruno – To follow-up on Al's recommendation so everyone is clear. Based on what has been proposed, Mr. Grondin would go on the waitlist and next year he goes to slot one. When do you start filling that waitlist? Looking for clarification of when he would realistically get back on the water.

Alan Twombly – Usually we start filling the waitlist in the spring, but not before March 15. Because Mr. Grondin is a commercial fisherman, his name would go to the top of the list. Not asking that his mooring be pulled out for the next year. Let him have use of the mooring in August, when the suspension is up. Clarification made that the suspension is one year from the date he received the letter, not calendar year.

Peter Dion – The Harbormaster's letter is self-explanatory. This indicates an accumulated effect and feels it is incumbent of the committee to support Al's recommendation. Suggested the committee review the ordinance regarding commercial operations in the mooring field and make sure they are in agreement with the current Coast Guard regulations, particularly 46CFR, subchapter C for licensing.

Public Comment

John Winslow – Felt it was inappropriate not to allow public comment on this specific agenda item. Gerry Grondin abuses the Town Landing pier. No one is policing this. Thank you to Alan for taking the steps to address this. Because even more people are using the facility due to COVID-19, it is important to keep it safe. Mr. Winslow's opinion is that Mr. Grondin should never be allowed to have a mooring and boat in the anchorage. Feels he is a hazard and wonders how much tolerance we will allow for abuse to the facility.

Bob Cheney – Thought Ritchie Garrett was rude to shut down public comments after he allowed someone to comment after Gerry Grondin made his appeal. Feels anyone from the public should have been able to speak.

Harbor Committee Comment

Ritchie Garrett, Chairperson – In response to Bob Cheney's comment, allow a 5-minute limit. When there is a specific question, he will normally allow it. Does not allow back and forth comments to occur. Possibly if this meeting had been in person, it would have been handled differently. The commercial fishermen are indigenous to the region and thinks it's great that we have a facility where we co-exist.

Manny Kourinos – Feels Gerry is accepting responsibility for his mistakes. Does not feel a lifetime ban is warranted at this time. A one-year suspension is certainly in the confines of the ordinance.

Chris Dyer – Clarifying question regarding Mr. Grondin's access to a mooring. Is the suspension of the use of Town Landing? Is it of his mooring? Is it of the Achilles II being in the harbor? What exactly is the scope of the suspension? Mr. Grondin has some access to the Handy Boat Service boatyard. Would like clarification before the committee moves forward.

Alan Twombly – Yes to all of those questions. Mr. Grondin's right to have a mooring in the Town of Falmouth, whether at Town Landing, Portland Yacht Club or Handy Boat Service is suspended. His right to use the Town Landing facility for any commercial purposes is suspended.

Ritchie Garrett, Chairperson – Supports Al's decision 100%. To reiterate, suspended until August 15, 2021. No lobster boating, no transporting passengers until the one-year suspension expires. Mr. Grondin has a Boston whaler and a mooring for that boat, does not see why he cannot be permitted to use that mooring again as long as he does not transport passengers. In order to transport passengers when the suspension has expired, Mr. Grondin would need to get a permit through the Town, as well as a license with the Coast Guard.

Richard Craven – Because he's able to continue his business using Handy Boat, it appears this is more of an inconvenience. Tends to want the Harbormaster's decision to be effective and is inclined to support his decision as it is.

Peter Dion – Same thoughts in supporting the Harbormaster's decision.

Marty Bruno – Also agrees with supporting the Harbormaster's decision. He feels Alan is fair and would like to show support for his decision, since he is down at the Town Landing far more than the committee. Knowing Mr. Grondin will go to the top of the list, makes suspension fair.

Alan Twombly – Appreciative of the committee's support. Feels the suspension is reasonable. The whaler mooring – would not be eligible to go to the top. He would be placed at the bottom of the list (#52) and it could be five or six years before he could get that back. If the committee chose to compromise to allow Mr. Grondin to keep his Whaler mooring and his Whaler for non-commercial purposes (just back and forth to the island and recreational use), the Harbormaster would not be opposed to that.

Richard Craven – In support of this modification.

Ritchie Garrett Chairperson – In support of this modification, as well. Allow non-commercial rights to the Boston Whaler and the rest of the suspension stays in place, as is.

Richard Craven makes a motion in support of Harbormaster Twombly's recommendation with the modification discussed: maintain the suspension for commercial use of both Mr. Grondin's moorings, as well as all commercial activities at Town Landing as it pertains to lobstering. The Boston Whaler would be reinstated on a recreational basis. Peter Dion seconds the motion. Manny Kourinos recused himself from vote due to conflict of interest. Motion passed unanimously.

Marty Bruno proposed the details of the decision be put in writing to Mr. Grondin.

John Kilbride, Chief of Police – Thanked the committee, guests and Mr. Grondin for this process. Takes the safety of the Harbor seriously. Wrote down comments from participants and will look into these items.

B. Proposal by Marty Bruno of Webcam Installation at Town Landing

Marty Bruno presentation on the feasibility of installing one or more webcams for use by the mooring holders starting in the 2021 season. Options for fixed or user controllable cameras.

Numbers represent ballpark hardware costs – no installation

- *Fixed webcam - \$1,000+

- *Controllable webcam - \$1,500 - \$2,000+

- *Weather Station - \$500 (optional - to embed weather in video)

Other requirements – internet connection 2-5 mb/s recommended), older PC to stream video to YouTube (only needed for fixed camera), power, ongoing support (3rd party or the Town)

Boothbay Harbor website shows examples of both camera options (fixed and controllable).

Would like the committee to look into this for the 2021 boating season. Chief Kilbride stated he would like to work with Marty and the Town's IT Department in implementing this option. Feels the department can incorporate the cost into this budget year.

Marty Bruno commented that he and Chief Kilbride could address privacy concerns with the zoom feature.

Richard Craven commented the quality and detail in the fixed camera is much better. The moveable cameras require waiting in queue to utilize, so could be a considerable wait. More in favor of installing two fixed webcams.

Marty Bruno stated more research will be done on the pros and cons of each and make a proposal for the best option for the facility.

C. New Business

No new business

D. Election of Officers

Richard Craven makes a motion that Richard Garrett continue his position as Chairperson for the next session. Peter Dion seconds the motion. Motion passed unanimously.

VI Next Meeting

Next meeting is May 20, 2021 at 7:00 PM

Council Liaison Janice De Lima commented that the recommendation from the committee for mooring fee increases was reviewed by the council and they took public comment upon review. The council agreed to have the finance committee take another look at the rate of increase to resident, non-resident, and commercial rates and make a final determination. Depending on the outcome, the council will approve the final fees for moorings for the upcoming fiscal year.

VII Adjourn

Chris Dyer made a motion to adjourn and Marty Bruno seconds the motion. Motion passed unanimously. Meeting was adjourned at 8:35 PM.