

FALMOUTH HARBOR/WATERFRONT COMMITTEE MEETING  
APRIL 2, 2014 8:00 AM  
FALMOUTH TOWN HALL

**Roll Call:**

Present: Chief Edward Tolan, Kimmerly Maxfield-Fearon, Town Council member Karen Farber; Town Manager Nathan Poore, Town Council Chair(?) David Berg, Paul Dobbins, Peter Thornton, Richard Craven, Chairperson Richard Garrett, Brent Sullivan, Town Clerk Ellen Planer, Manny Kourinos

Absent: Jay Hallett, William Oliver

**I Chairperson's Comments**

Bill Oliver is very ill and unable to attend the meeting. Chairperson Garrett spoke with him and will speak for him.

**II Approve Minutes of October 24, 2013 meeting**

Richard Craven made a motion to approve them, Peter Thornton seconded the minutes were unanimously approved.

**III Public Comment**

None

**IV Harbor Master Report**

Moorings:

Total:	1081
Received:	1035
Not Renewing	32 (14 Town Landing)
Renewal Incomplete	46
New Moorings	11

Wait List

Resident	26
Non resident	6

Dinghy day scheduled for April 12, 2014 from 8:00 through 9:00 AM at the Falmouth Town Hall.

Floats:

We are applying for a SHIP grant to replace the commercial floats next year and hope to apply for a second SHIP grant next year to replace pump out floats, older floats on dinghy dock side and three new ramps.

Floats will be installed at the end of this month and the first week of May. He is hoping to have the commercial floats in by Patriots' Day.

Fairway Buoys:

We are purchasing and installing new fairway buoys this spring.

Chief Tolan said that the IT is in the process of writing an RFP to replace the cameras for the town buildings and will be adding some cameras to the harbor.

## **V      Agenda Items**

### **A.      Ordinance Language for Harbor Committee Appointment for Handy Boat Services and Portland Yacht Club**

Will get right into the discussion point and the point is how do we people on the waterfront/harbor committee.

Richard Garrett quoted from the ordinance ref. appointing people for the Harbor/Waterfront committee:

“The Falmouth Harbor/Waterfront Committee shall consist of 7 members with 1 resident representing Handy Boat and 1 resident representing Portland Yacht Club. All 7 members shall be appointed by the Town Council.”

On 1/14/14, a letter was received from Diana Hall of Handy Boat stating that Jay Hallett no longer represents Handy Boat.

William Oliver represents Portland Yacht Club, Jay Hallett (currently) represents Handy Boat.

The question is, what can be done to have Handy Boat represented by a non-resident?

Can an out-of-towner serve on the committee?

On 1/16/14, Chairperson Garrett wrote an email to the town clerk and committee informing them that Jay Hallett is not longer employed at Handy Boat. Some have asked about the Handy Boat replacement. This may be an opportunity for a much need ending Portland Yacht Club and Handy Boat Service with seats on the committee. Has asked the process of terminating Jay and any replacement consideration be postponed.

Chairperson Garrett then provided a history of the committee. There was a concern that the members of the committee had little to no boating knowledge. Having representatives from Portland Yacht Club and Handy Boat Services provided members who had significant marine knowledge. The intent was that they would have a seat on the committee with no voting rights.

William Oliver interprets the ordinance as Jay Hallett is still on the committee. The ordinance doesn't state that they must be employed by Handy Boat or Portland Yacht Club to represent them, any committee member could do that.

The intent of the ordinance line was to have committee members with marine knowledge and experience and to give Portland Yacht Club and Handy Boat some say in the issues. Richie Garrett thinks the ordinance should be changed.

Paul Dobbins agreed with Mr. Oliver's interpretation that any member can represent Handy Boat or Portland Yacht Club. They can also represent their opinions during the public comment part of the meetings.

Peter Thornton agreed with Paul Dobbins.

Richard Carven feels that it's important that both are represented as they are the bulk of the waterfront. Could he be the rep. for Portland Yacht Club or Handy Boat? He's not sure as he was appointed as an at large member and would not be doing that.

Brent Sullivan from Handy Boat said that they would be agreeable to any decision as long as it is equal for both Handy Boat and Portland Yacht Club.

Brent was asked how he felt about having voting taken away from Handy Boat and he said they were fine as long as there were no reps. for Portland Yacht Club. He feels that they bring a lot to the town and harbor committee but their point of view is that they will not contest any decision.

Manny Kourinos- There have been a lot of changes and redefining of the mooring field in the past but it is now under control. It was very important at that time for Handy Boat and Portland Yacht Club to be involved to get to where the anchorage is now. He feels that the criteria of being an employee and a town resident is too small. Not sure if they need to continue that or not.

Chief Tolan brought up the coast guard being called in about 10 – 12 years ago and redefining the anchorage. It resolved some of the contention at that time between what was being done with Handy Boat and the yacht club. Back then the reps. felt left out of the discussion and there may have been a need but he's not sure there is now.

Karen Farber brought up that at least 1 other committee has non-resident members on it. The Falmouth Economic Improvement Committee so having non-resident members is not unheard of.

Richard Garret thinks that Brent Sullivan would be well qualified, but it would also be a shame to lose Jay Hallett.

Paul Dobbins owns a business in Portland. They speak to various committees, but they are not members of them.

David Berg asked if the decision changed if reps. had not been residents.

Richard Garrett stated that no one has excused themselves from voting due to conflicts.

David Berg said that wasn't the question, Have there been decisions made that would have been different had the committee members not been residents.

Manny Kourinos said that yes, the increase in the number of Handy Boat moorings.

Paul Dobbins said that Bill Oliver and Jay Hallett have great knowledge, just like Manny. What you represent is more important than who you represent.

Richard Garrett asked if Jay Hallett is still on the committee.

Town Clerk Ellen Planer said he was.

Many Kourinos asked if in the minute criteria.

Ellen said yes, it does not say the rep. has to be an employee.

Nathan Poore suggested clarification on the interpretation of the ordinance. Perhaps change it to 7 voting members plus 2 non voting members representing Handy Boat and Portland Yacht Club.

Manny Kourinos ask if Jay was still representing Handy Boat on the committee.

Ellen Planer said he was still on the committee until such time as he resigned.

Nathan Poore asked if it would be a problem with Handy Boat if Jay was still their rep.

Karen Farber said it would be helpful if the committee indicated what they wanted and to make a recommendation.

Richard Garrett recommended 7 voting members and 2 non voting members and the other committee members indicated unanimously they would support that change.

Karen Farber asked if Handy Boat and Portland Yacht Club made their new choices would Bill Oliver's position change?

The answer was no, that he would stay on the committee and they would add the 2 new members.

Chief Tolan said Bill Oliver would probably have to choose.

Brent felt that would mean there were more members of Portland Yacht Club on the committee as well as having a former employee, Jay Hallett on the committee it would put Handy Boat at a disadvantage.

Nathan Poore suggested adding a line to the form regarding affiliation.

Karen Farber asked if this would go to the appointments committee or to the council. If it goes to the council, there would be public form to discuss it.

Nathan Poor suggested getting feedback from Handy Boat and Portland Yacht Club before going to the Town Council.

Alan Twombly said that in the 5+ years, no one on the harbor committee has ever pushed an agenda, that the committee works well together.

Brent was concerned that Jay would be a problem to Handy Boat. He asked if John Marr could be the representative with Brent speaking on his behalf at meetings.

Nathan Poore said that there was language in the ordinance that would prohibit it.

Richard Craven made a motion to suggest a change to the ordinance to current membership, but remove Handy Boat and Portland Yacht Club votes and add 2 new non voting reps from Handy Boat and Portland Yacht Club, Peter Thornton seconded motion. The committee unanimously voted to recommend the change council .

Ed Tolan a few years ago a member of the committee was removed from the committee for transgressions such as not showing up for meetings, failure to participate. He wanted to re-assure Brent that has never been any vindictiveness or targeting of a organization allowed at this committee. There is the ordinance to fall back on and also the fall back of an appeal to the town council.

Brent is concerned that having a member of the committee who has a conflict of interest would have a vote. He will push to maintain a voting member for Handy Boat on the committee.

**B. Concrete Moorings**

There was discussion on whether to amend the ordinance to allow concrete moorings. The merits of various forms of concrete moorings were brought up and because the information was not readily available, it was decided that this would be tabled until more research was done on the pros and cons of using them.

**VI Next meeting**

The next meeting of the Harbor/Waterfront Committee is scheduled for November 13, 2014 at 8:05 am at the Falmouth Town Hall.

**ADJOURN**

Manny Kourinos made a motion to adjourn, seconded by Richard Garrett. It was unanimously voted to adjourn the meeting at 9:00 am.

Respectfully submitted by Kimmerly Maxfield-Fearon on April 9, 2014.