

Falmouth Police Department

MEMO

July 14, 2016

To: Nathan Poore
Fr: Chief Tolan
Re: Request for an ordinance change

At the May 19th Harbor/Waterfront Committee meeting the committee discussed the issue of allowing non residents to serve as members of the committee, specifically to meet the possible needs of Handy Boat and the Portland Yacht Club. The committee also acknowledged that one of the current members will soon be a non-resident yet he would be willing to continue his service on the committee. The committee discussed scenarios that may result in some consideration for a non-resident. They included the following:

- A commercial fisherman was determined to be of value to the committee but there were no fisherman who were willing to serve on the committee and lived in Falmouth.
- A representative from Handy Boat or the Portland Yacht Club was chosen by the organizations but don't live in Falmouth.
- A representative who has split residency or has lived in Falmouth for a long time but moved to a nearby community. In this case, the committee member may be viewed as very knowledgeable and an important asset to the committee.

The committee recognized that it may not always be appropriate to have one or more non-residents serving on the committee and there may be times when non-residents add tremendous value to the committee. This is why they chose to write the proposed ordinance to allow "up to" three non-residents. This would give the Town Council the option but not the obligation to allow non-residents to serve on the committee. The committee does recommend the number of residents to be limited to three but will raise no objection if the Town Council chooses a smaller number so long as there is at least one non-resident allowed on the committee.

Additionally the committee voted to add the following language; "During any vote there must be at least three (3) resident members in agreement for the motion to pass or fail.

This memorandum was distributed to all committee members and they were requested to respond to me with confirmation that this memorandum represents their rationale behind the ordinance proposed to the Town Council. All members of the committee responded to me and confirmed that this memorandum does represent their position regarding this matter.

I have enclosed the appropriate section of the ordinance with the suggested changes.

Sec. 9-92. Falmouth Harbor/Waterfront Committee.

- a. *Purpose:* The Falmouth Harbor/Waterfront Committee exists for the general purpose of studying and evaluating public use and access to coastal waters; to advise the town council on policy matters and proposed regulations concerning the town's coastal waters; to oversee the maintenance and care of town owned waterfront facilities through the harbormaster and in conjunction with state and federal authorities. The harbor/waterfront committee sits as a board of appeals to hear an appeal from any person aggrieved by any decision, act or failure to act by the harbormaster. The committee shall regularly inform the town council, planning board, and such other boards, committees, commissions, or officials of the town of its activities, as is appropriate. The harbor/waterfront committee shall be consulted by the town council before any moratorium on moorings is enacted.

- b. *Organization:*
 1. The Falmouth Harbor/Waterfront Committee shall consist of seven (7) members, with one (1) member representing handy boat, and one member representing Portland Yacht Club. All seven (7) members shall be appointed by the town council. Each committee member shall serve without compensation. There shall not be more than **(council to select a number)** non-residents on the committee at anytime. During any vote there must be at least three (3) resident members in agreement for the motion to pass or fail.