

**PERKINS COVE HARBOR COMMITTEE  
MINUTES  
REGULAR BUSINESS MEETING  
May 5, 2010**

**A. CALL TO ORDER – 7:00 p.m.**

Members Present: Tim Tower, Chair  
Jack Gordon, Vice Chair  
Steven Perkins  
Timothy Virgin  
Wayne Perkins (1<sup>st</sup> Alternate)  
Michael Parenteau (2<sup>nd</sup> Alternate)

Members Excused: Robert McIntire

Also in Attendance: Fred Mayo, Perkins Cove Harbor Master

Mr. Tower confirmed that a quorum was present. He also noted Mr. Mayo's official Appointment as Harbor Master. Mr. Tower recommended Mr. Mayo attend all future Harbor Committee meetings and that he sit at the Committee Table. The Committee unanimously agreed.

**B. MINUTES – April 26, 2010 Regular Business Meeting.**

The Minutes of the April 26, 2010 Meeting were Unanimously Approved as Submitted.

Mr. W. Perkins asked to have the Perkins Cove Committee kept informed, on a regular basis, of the amounts of monies collected from Seasonal Sticker sales, Transient Mooring Fees, and Visitor Dockage Fees.

Mr. Tower confirmed that this information is public knowledge and obtaining it should not pose any problem. He suggested sending a letter to the Town Manager asking him to supply the information.

**Mr. Gordon Moved to request the Town Manger keep the Harbor Committee informed of income amounts generated from Seasonal Sticker sales, Transient Mooring Fees, and Visitor Dockage Fees.**

**GORDON/S. PERKINS 5/0 UNANIMOUS**

**C. UNFINISHED BUSINESS –**

**1. Review of Proposed Amendments and Additions to Title VIII – Harbor and Watercraft Ordinance.**

Mr. Mayo submitted a draft of a proposed sign to be posted in the Cove.

The Committee made the following changes to Mr. Mayo's proposed sign template:

\* Docking Fees set at \$20.00 / hour with a maximum docking time of 2 hours and 15 minutes;

- \* No unattended boats should be left at the fuel dock at any time.

It was noted that the letter to the Select Board needed several minor changes as well:

- \* Orange dock marking changed to Yellow dock marking;
- \* Ramp dock times changed from 5:00 to 5:30 a.m. and p.m.;
- \* Dockage available on a first come first serve basis;
- \* No unattended vessels to be left on the Fuel Dock at any time;
- \* Seasonal stickers must be attached to vessel in a visible location.

It was agreed that Mr. Mayo would clearly indicate the Fuel Dock by painting the word “FUEL” on the dock.

Mr. W. Perkins asked if Seasonal Sticker purchasers would receive a written handout outlining Cove Rules and Regulations.

Mr. Tower responded that they would.

Mr. W. Perkins asked where Seasonal Stickers would be purchased.

It was agreed that The Harbor Master will collect fees for seasonal stickers and keep a recording of the vessel to which each sticker is assigned. Seasonal Stickers will not be sold by Visitor Services. Sticker holders would be provided a written list of docking rules, instructions for tying up, and told that stickers must be attached to the vessel in a visible location.

It was agreed that docking space would be provided on a first come – first serve basis and that possession of a Seasonal Sticker would not guarantee dock space on any given day.

It was agreed that the Fuel Dock needs to be clearly marked and that vessels must never be left unattended at this dock. Mr. Mayo agreed to paint the word “FUEL” on the Fuel Dock.

**Mr. Gordon Moved to Approve Mr. Mayo’s Sign as Amended .**

**GORDON/VIRGIN 5/0 UNANIMOUS**

It was agreed that the Recording Secretary would amend the letter to the Select Board and submit it to Mr. Tower via e-mail for approval. It would then be forwarded to the Committee members for final approval before submitting it to the Select Board.

## **2. Discussion of York Harbor Regulations as Potential Model for Perkins Cove.**

### **ROUND TABLE DISCUSSION ITEM 1 – ASSISTANT HARBOR MASTER POSITION**

Mr. Mayo informed the Committee that the position of Assistant Harbor Master has been removed from the Town Budget.

Mr. Tower suggested the Committee might approach the Select Board and request an explanation for the removal of this position.

Mr. S. Perkins expressed his belief that there is a need for an Assistant Harbor Master. He asked how much money had been budgeted for this position in past years.

Mr. Mayo responded - \$2,000. which was used for an assistant on an as needed basis.

It was agreed that there needs to be a dedicated fund to pay for an assistant harbor master on an as needed basis.

Mr. Mayo pointed out that Town Ordinances allow for the Harbor Master to choose an assistant and that the position of Assistant Harbor Master terminates when the Harbor Master leaves. The question of funding this position is another issue.

Mr. Tower agreed that during the course of performing his duties, during the season, the Harbor Master will at times need temporary assistance. There needs to be a system in place to hire someone to fill this position. He again suggested they take this issue to the Select Board as soon as possible. The Committee unanimously agreed.

Mr. S. Perkins pointed out that the issue of funding can be placed directly before the voters at Town Meeting.

It was agreed that the Committee would draft a list of questions and suggestions to bring before the Select Board. Item One will be the establishing of a set amount of funding to provide for the hiring of an Assistant Harbor Master on an as needed basis, with additional funding requested from the Town if necessary.

Mr. Tower asked if anyone had any other suggestions for discussion with the Select Board.

## **ROUND TABLE DISCUSSION ITEM 2 – OUTDOOR SALE OF LOBSTERS**

Mr. W. Perkins would like to introduce the problem with the “Outside Sales” prohibition. He would like something in writing that permits lobstermen selling live lobsters from the back of trucks while parked in Perkins Cove. He noted last year’s dispute with the Code Enforcement Officer who stopped one lobsterman from selling lobster from the back of his truck. The Code Enforcement Officer cited Article 7, Table 702.1 of the Ogunquit Zoning Ordinance which prohibits Outdoor Sales and Services as the basis for this action.

Mr. Gordon remembered the Code Enforcement Officer stating that a Peddlers License was needed at a cost of \$250.

Mr. S. Perkins stated that holding a State Lobstering License permits lobstermen to sell live lobsters.

It was agreed that the Town needs to clearly outline what the fishermen may be allowed to do while in the Cove.

Mr. Virgin suggested drafting a statement that defines that only holders of valid commercial lobstering licenses may sell live lobsters from the back of a pickup truck in the Cove.

The question was raised, whether or not this activity should be restricted to Perkins Cove mooring holders.

Mr. Gordon agreed, and pointed out that his business is allowed to sell tickets from the back of a truck, and that this right is protected via a Court Decision.

The Committee unanimously agreed that the issue of allowing lobstermen to sell live lobsters from the back of trucks in Perkins Cove would be Item Two, to be brought before the Select Board, and that limitations need to be placed upon how, by whom, and when such sales will be permitted.

Mr. Mayo asked the Committee for advice regarding the issuance of one year Transient Moorings. He asked if he should disregard past years mooring holders and draw names from the current wait list, or if he should give first refusal to those individuals who were given one year moorings in the past.

The Committee unanimously agreed to begin anew. In order to make the mooring waiting list viable it needs to be impartial and fair to everyone. Mr. Mayo should disregard last year's mooring users and draw from the top of the waiting list. He should inform recipients that the mooring is for one year only and is not a "permanent" mooring.

Mr. Mayo confirmed that this approach will work for him.

Mr. S. Perkins offered a written proposal of Mooring Waiting List protocol for the Committee members to review.

Mr. S. Perkins suggested a 40%:60% split of recreational to commercial boats. This approximate percentage was taken from the Army Corps of Engineers pact with the Town in 1993.

It was agreed that after refusing an offered mooring the applicant would have to pay the filing fee again and go to the bottom of the waiting list.

Mr. Tower suggested they may have to develop four separate waiting lists: Large Commercial, Small Commercial, Large Recreational, and Small Recreational boats.

Mr. S. Perkins asked how many transient moorings are available.

Mr. Mayo responded that he anticipates ten transient moorings will be available this summer. He added that he currently has two transient mooring holders who have asked to have their moorings back.

Mr. Tower asked if the ten transient moorings will be open moorings that Mr. Mayo can put someone on for a year.

Mr. Mayo responded that he can put someone on them for a year. He added that some of the people who have asked about these available one year moorings are down at the bottom of the waiting list. His question to the Committee is "should he offer these available moorings to those individuals at the top of the list before he offers them to the five individuals who were on the moorings last year"?

Mr. Tower suggested that, as long as the available moorings are small boat moorings for recreational boats, they be allowed to stay as long as they are informed that this is a one year mooring and is not permanent. Mr. Tower also noted that he would not like to see a commercial enterprise be given a one year mooring.

Mr. Gordon suggested that transient mooring holders can not conduct commercial enterprises. Only permanent mooring holders can hold commercial licenses. This was unconfirmed.

**Mr. S. Perkins Moved to recommend that the Harbor Master fill available single season transient moorings from the waiting list on a first come first serve basis.**

**S. PERKINS/VIRGIN 5/0 UNANIMOUS**

Mr. Virgin suggested the Harbor Master confirm with applicants by Certified Mail.

**D. NEW BUSINESS –**

## 1. Review of Mooring List.

Mr. S. Perkins felt that applicants who refuse an offered mooring should be removed from the list. He suggested they should have to pay the filing fee again and be placed back at the bottom of the wait list.

Mr. Parenteau suggested that repeat applicants should continue to have their original application date documented as a way to prioritize multiple applications filed on the same date.

Mr. Tower expressed his belief that there should be two lists: Small Boats and Large Boats. Requests to upgrade from small to large boat moorings should have their name added to the bottom of the Large Boat Mooring Wait List.

Mr. Tower informed the Committee that he was on the Harbor Committee when the harbor ordinances were drafted and the intent was for applicants wanting to go from a small boat to a large boat to be put at the bottom of the large boat mooring waiting list.

There was discussion over the definition of “upgrade”.

Mr. W. Perkins suggested that an applicant with a 25’ boat wanting to upgrade to a 38’ boat, who can not fit the larger boat on the currently held mooring needs to apply for a larger mooring and be put at the bottom of the large boat mooring waiting list. However, if the same person wanted to upgrade from 25’ to 27’ and can fit the larger boat on the same mooring, that would be an acceptable upgrade and he/she could remain on the same mooring.

Mr. Tower agreed, and noted that the Harbor Master’s role is to ensure that boats can safely navigate thru the cove.

Mr. Gordon suggested that with the Harbor Master’s permission mooring holders may upgrade the size of a boat on the mooring they currently hold, but may not move to a larger boat mooring without going to the bottom of the mooring wait list.

Mr. Parenteau suggested they may need to clarify the definition of “list” and “upgrade” within the Ordinances.

Mr. Gordon referred the Committee members to Title VIII Section 401.3 as the section which needs to be clarified. He suggested bringing this to the Select Board for review.

The Committee agreed to present the following to the Select Board for discussion:

- \* There shall be two mooring lists: Large Boat and Small Boat;
- \* To upgrade from a small boat mooring to a large boat mooring applicants’ names need to be placed at the bottom of the large boat mooring waiting list;
- \* Small boats are considered to be 25’ or less, larger boats are 26’ or greater;
- \* From time to time the Harbor Master may be required to shift boats to different mooring locations within the cove.

Mr. W. Perkins summarized that if the present mooring will not accommodate the upgrade the mooring holder shall not be able to upgrade without going back on the mooring waiting list. The Committee members agreed.

Mr. Tower suggested there are two issues: 1) How to keep the mooring wait lists moving, and 2) how to define and implement “upgrade” requests.

Mr. Parenteau acknowledged the value of recreational boats, however he expressed concern over the potential decrease in the numbers of commercial fishing boats in the Cove.

The Committee discussed the possibility of having four Mooring Wait Lists: Commercial Small Boats, Commercial Large Boats, Recreational Small Boats, and Recreational Large Boats.

**E. OTHER BUSINESS – None**

**F. ADJOURNMENT –**

**Mr. Gordon Moved to Adjourn at 9:00 p.m.**

**GORDON/VIRGIN 5/0 UNANIMOUS**

Respectfully Submitted

Maryann Stacy  
Recording Secretary

*Approved on May 20, 2010*