

City of Biddeford
Shellfish Conservation Committee
October 18, 2023 6:30 PM Biddeford Pool Fire Department
2nd Floor Conference Room

Status:

- 1. Roll Call**
- 2. Adjustments to Agenda**
- 3. Approval of Minutes**
 - 3.1. Approval Minutes 9-20-2023
[Joint Harbor Shellfish Meeting Minutes 9-20-2023](#)
- 4. Department of Marine Resources with Ari Leach**
- 5. Harbor Master Summary**
- 6. Old Business**
 - 6.1. Marshall Alexander Recognition Plaque update
 - 6.2. Mooring Applications and Records
 - 6.3. Harbor and Shellfish Budgets
 - 6.4. Emergency Response Points
- 7. New Business**
- 8. Other Business**
- 9. Adjourn**

Joint Harbor and Shellfish Meeting – Minutes

Date: Wednesday, September 20, 2023
Location: Biddeford Pool Firehouse
Time: 6:30 PM
Attendees: Andy Brady, Randy Desmarais, Paul Lariviere, Bill Mackeil, John Schafer, Bill Stepchew
Minutes: The minutes of the previous Commission meeting, August 16, 2023, were unanimously approved.

DISCUSSION:

1. Harbor Master Summary

The purpose of this discussion is to provide Commission members with a summary of events that required the attention of our Harbor Masters during the period between scheduled Commission meetings. The summary is not all inclusive. There were numerous other events, too numerous to recount in these minutes.

- A sailboat moored in the channel outside of the Pool was politely asked to move to the open mooring field.
- A boater with a small child wearing an adult life jacket was stopped. The Harbor Master provided the boater with a proper life jacket for the child.
- Nick Bowman met with the Harbor Master to discuss his desire to maintain three moorings. The Harbor Master cited the State mooring bylaws which said multiple moorings are not permitted and a mooring owner must be a resident of the municipality.
- Several boats in violation of the “No Wake” area were stopped and warned that excessive speed in a no wake area is prohibited. No citations were written.
- During Hurricane Lee, the Harbor Master noticed several kids playing on the rocks outside of the Pool. The Harbor Master instructed the kids to get off the rocks for their own safety.
- Twelve derelict moorings have been hauled ashore by the Harbor Master. The effort to haul derelict moorings will continue through the season. The Harbor Master notifies all mooring owners prior to the mooring being hauled.
- An attorney of one of the derelict mooring owners contacted the Harbor Master. The Harbor Master educated the attorney regarding the related requirements in our Harbor Ordinances.
- The Harbor Master was notified of a work boat that sank at Rummery’s. There was no oil spill, but socks and boom were in place as a precaution.
- Roby Fecteau contacted the Harbor Master about a dock that was being replaced by a Hills Beach property owner. The dock replacement was not within the footprint of the original structure and Fecteau was going to contact the property owner and not approve the permit.
- A boat being launched at Marblehead rolled off the trailer and the Harbor Master provided assistance.

- The Harbor Master and John Schafer met with Andrew Philippe, UNE Director of Campus Planning, to review UNE's application to replace a seasonal pier and float system with a permanent pier and float system at 11 Hills Beach Road. The Harbor Master approved the application. At that meeting, there was some discussion about a proposal for another new dock/replacement at UNE's Marine Science Center. Jim Benne? has since committed to set up a meeting with the appropriate UNE personnel, the Harbor Master and the Harbor Commission.

2. **Marshal Alexander Recognition Plaque**

Brian Phinney wrote a proposal to waive the \$5K donation limit for the recognition plaque. The proposal was unanimously passed at the 09-05-23 Council meeting. Richardson Monument has informed us that the custom granite block and bronze plaque are ready for installation. Andy Brady will work with Catherine Ellis and Jeff Demers on site preparation and will schedule the installation.

3. **Ordinance Update**

Chapter 74, Sec. 74-35 of our Ordinances addressing wharfs, piers and landings has been presented to the Policy Committee and at two consecutive Council meetings. The Ordinance changes were unanimously approved at the second Council meeting on 09-05-23.

4. **Mooring Applications and Records**

There was some committed speaking during our previous Commission meeting, 08-16-23, regarding the mooring application process and the condition of our mooring records. Bill Emhiser and John Schafer met with Jim Benne? to discuss these concerns and discovered that despite the awkwardness of the current application process, mooring records are being maintained and are available if anyone wants to see them. A copy of these records was presented at this Commission meeting.

Benne? also agrees that an automated system would be best but there has to be some work to the current records before transferring to an automated system. Benne? also said that a ship grant would be available for such a system, but the records have to be cleaned up and "shovel ready".

Action: This will be a topic at the 10-18-23 Commission meeting.

5. **Harbor and Shellfish Budgets**

At the previously mentioned meeting with Jim Benne?, Bill Emhiser and John Schafer asked if the Commission could receive a monthly expense summary for all items charged to the Harbor and Shellfish budgets. Benne? agreed that Shelly MacNeill could provide us with that information monthly.

Regarding **mooring fees**, there has been discussion at all Commission meetings that a \$125 fee is inadequate to support the budget. Bill MacKeil made the motion that our Ordinances be changed to state "that mooring fees will be established to an amount that will support the budget for the services required". The motion was passed unanimously but there was additional discussion about the ambiguity of this Ordinance change.

Action: MacKeil and Schafer will contact Benne? for counsel.

6. Emergency Response Points

More great work continues on the development of ERP's in response to the May 13th kayak incident. A Workshop was held 09-18-23 to finalize all ERP locations. Tom Milligan will have charts/maps update with specific lat/lon data points.

Action: Final wording of the signage will be reviewed and finalized at the next Commission meeting, 10-18-23.

7. New business and Questions

- Sean Tarpy has asked assistance from the town to dispose of large floating logs that he has fished from the river. He is willing to haul the logs ashore but doesn't have the equipment or means to dispose of them. His concern is that these logs provide a hazard to navigation and could also damage boats that are moored on the river.
- New boater safety and education requirement will become effective January 1, 2024. The new law requires that an operator born after January 1, 1999 may not operate a 25HP boat or greater without having completed a boater safety and education course.
- Ari Leach, Maine Department of Marine Resources, will attend our next Commission meeting, 10-18-23.