

CITY OF ROCKLAND  
HARBOR MANAGEMENT COMMISSION  
Minutes of Meeting  
May 11, 2010

**Members Present:** Chair Melissa Maker, Howie Edwards, Louise MacLellan-Ruf, Guy Polyblank, Capt. Richard Spear, Richard Whitman, City Attorney Kevin Beal, and Harbormaster Ed Glaser

**Members Absent:** Ken Barnes and Sam Ladley

**1. Call to Order:** Chairman Maker opened the meeting at 6:30 P.M.

**2. Minutes of Meeting:** Members corrected the spelling of some names in the 4/13/10 minutes.

**ACTION:** Mr. Edwards made a motion, seconded by Capt. Spear, to approve the minutes of the 4/13/10 meeting as amended.  
Carried 6-0-0

**3. Harbormaster's Report and Updates**

**a. *Independence Maiden Voyage:*** Harbormaster Glaser said the *Independence* would definitely be coming to Rockland Harbor on July 3, as well as on two previous occasions. Senator Susan Collins would name the ship on July 4 and it would leave the next day. He commented that the passengers might be less happy than usual since the vessel would be coming from Portland (further out to sea) rather than Bangor.

**b. *Sharp Shack:*** Mr. Glaser said the Sharp Shack rented the Sea Shack building from the City for \$4,500/year on a 5-year lease. The first year was free because the Sharps spent more than the rent amount on repairs. Last year they had asked for a rebate and the City Council waived \$3,000. Harbormaster Glaser said Sharp's Point would be coming before the City Council again this year to request a rebate. Members thought fees should not be waived.

**ACTION:** Mr. Edwards made a motion, seconded by Mr. Polyblank, that the Harbor Management Commission did not recommend the City Council grant a fee waiver.  
Carried 6-0-0

**c. *Dock Dogs' Pool Water Disposal:*** City Attorney Kevin Beal had sent an email reporting that Terry Pinto, Director of the Water Pollution Control Facility, had conferred with DOT concerning the impact of depositing the used Dock Dogs swim tank water into the stormwater drain and harbor waters. They had concluded there would be no environmental issue with discharging the water into the stormwater drains, but Mr. Pinto advised against putting it into the sewer. The Harbormaster asked where the HMC would like Ms. Gardner to take the water, stating that it certainly should not go into the cove. Mr. Edwards said Ms. Gardner had said she would pump it off and he asked why not leave it at that. Mr. Glaser said he would ask her where she would dump the water.

**4. Fish Pier Updates**

**a. *Fish Pier Sinkhole:*** Fish Pier Manager Al Gourde said an engineer had looked at the sinkhole yesterday. He reported that it was granite all the way to the bottom and tides had undermined the gravel. The engineer recommended they dig up the asphalt, use a backhoe to clean out debris, put down a filter cloth and fill the 20 Sq. Ft. area. Mr. Gourde said he had not yet received the cost estimate, but the Pier could pay for it, apply for a grant, or ask Public Works to do the work. The Harbormaster suggested that part of the ship grant could be spent on this.

The engineer had recommended concrete for the other sinkholes and the Fish Pier Manager had also asked for an estimate on the redesign of the upper lot area. The Harbormaster said the major sinkhole needed to be filled ASAP and Mr. Gourde said he would get the estimate to the City Manager right away. Mr. Glaser said the funds could come from the Reserve Account because this was a capital improvement.

**b. Live Lobster Upper Lot Fencing:** Mr. Gourde said he had not received an estimate for the fence, which Live Lobster was supposed to provide. Chair Maker asked if the Fish Pier Manager and the City Manager had discussed trash removal. Mr. Gourde said he had and should hear soon who would pay for removal.

The Harbormaster said video cameras had not been installed, but the recorder files could be put on DVD. Mr. Gourde said there had been no theft or vandalism yet.

## **5. Old Business**

**a. Cruise Ship Policy:** Harbormaster Glaser had provided the most recent draft of the Cruise Ship Policy. He mentioned that former Items #7 and #11, concerning taxis and traffic patterns, had now been combined into #11. He had also moved the description of cruise ship sizes to the front of the document. Capt. Spear noted that the size of small cruise ships should be less than 150 passengers, in order to eliminate gaps in numbers.

Ms. Maker asked members if the \$600 park closure fee should remain in Item #6. Mr. Polyblank asked on what the closure was based and Mr. Glaser said half the oval would be left clear (without buses). Mr. Polyblank asked if this constituted a limit on parking and Mr. Glaser remarked that he could not draw up a document that covered every scenario. Mr. Polyblank said the policy was not sufficiently clear on what situations would require limiting vehicles and how that would be handled. Mr. Glaser said Item #12 dealt with that and he would decide when the park needed to be closed.

**ACTION:** Mr. Edwards made a motion, seconded by Ms. MacLellan-Ruf, to leave the \$600 fee for closing the park in the policy.  
Carried 5-0-1 (Mr. Polyblank abstained)

The Harbormaster noted that the City would be receiving \$6/passenger, so the \$600 seemed excessive to him. Mr. Polyblank was not happy with the additional four park closures per season. Ms. MacLellan-Ruf said she would like fewer than the four mega ship visits and suggested one between May 15 and June 30 and two in October. Mr. Glaser said two in May and none in October had been scheduled for this year. City Attorney Beal suggested adding an exemption clause for foul weather and Mr. Glaser said he would make that Item #17. Mr. Beal also asked the HMC to designate the account to which the \$600 closure fee would be applied. The Harbormaster said it should go into the General Fund with other park rental fees and he incorporated that into Item #6. He said the policy could go to the City Council in June.

**b. Monhegan Discharge:** Harbormaster Glaser had spoken with Capt. Remick of the Monhegan, who had been incensed that anyone thought he would pump out in the harbor. The Captain said he had a 3,000-gallon tank and himself used the bathroom at Maritime Farms each morning. Ms. Maker asked why he couldn't use his own facilities, with the condition that his tank be pumped on a regular basis. Mr. Glaser said it would be an unfair burden to make him pump it out when it didn't need to be. He said he would broach the subject of putting dye in the tank with the *Monhegan's* owner. Mr. Edwards commented that it would be a moot point if the City enforced the rule that people could not live on boats in the harbor. He added that the *Monhegan* should leave the harbor in a 20+-knot storm and that was also not enforced. The Harbormaster said he would write a live-aboard dockside policy that, among other things, included proof of monthly pump-outs.

## **6. New Business**

**a. Sewage Leak:** Ms. MacLellan-Ruf said the ongoing sewage leak near Amalfi's restaurant should be brought to the City Manager's attention. Mr. Beal reported that it was thought to be a domestic, rather than City, leak and Terry Pinto had said it did not involve the City sewer line. Because it was a private line it became a Code Office issue. Chair Maker said she would email the City Manager about it.

**b. Trident Yacht Floats:** Ms. Maker asked about the new floats at the Trident marina and Mr. Glaser said they had been cleared through the Code Office and Planning Board and met DEP, submerged lands, etc., requirements. Trident had permission to implement its whole plan, of which this was just a small part. The floats themselves were temporarily leased.

**c. Park Rental Discussion:** Harbormaster Glaser asked if the members would like to change anything about the park rental setup. He asked what defined Buoy Park and the Middle Pier. Mr. Edwards said events in both had to be marine-related. Ms. Maker quoted the Comprehensive Plan, saying all uses in the Waterfront -1 zone, which included Snow Marine Park, must be marine-related. She said any additional event use of

Harbor Park should be discouraged. Mr. Glaser said Harbor Park did not include Buoy Park, but suggested the two be combined under the event-limit number. He noted that vessels paid \$9,000 to use the Middle Pier, while 3-day rental of the park cost \$2,250 and the City did not want to lose income from either source. Mr. Polyblank felt use of the park should be limited and he encouraged allowing smaller events. There was considerable discussion.

Mr. Polyblank suggested that events that charged admission should be restricted to grassy areas. Mr. Whitman said policy should state that the parking lot was not included in the rental of Buoy Park. Mr. Beal suggested erecting signs reserving some parking spaced for vessels that berth at Middle Pier. Chair Maker asked for a consensus on making Buoy Park separate from the Middle Pier. Mr. Whitman and Capt. Spear said they should be separate and Ms. MacLellan-Ruf said members should take time to think about it, as there was no reason to rush.

**8. Other Business:** Attorney Beal introduced Tina Plumber, a summer intern at City Hall.

**9. Adjournment:**

**ACTION:** Mr. Edwards made a motion, seconded by Ms. MacLellan-Ruf, to adjourn at 8:22 P.M.  
Carried 6-0-0

Respectfully submitted,

Deborah E. Sealey  
Recording Secretary