

**TOWN OF TREMONT
HARBOR COMMITTEE MEETING
HARVEY KELLEY MEETING ROOM
AUGUST 11, 2011
5:00 PM**

After an announcement by the Tremont Town Manager of the fact that neither the Chairman nor the Vice Chairman were present for this meeting the Harbor Committee Members present and voting elected Wayne Rich to serve as Acting Moderator to conduct the proceedings of meeting.

1. CALL TO ORDER

The August 11, 2011 Tremont Harbor Committee Meeting was called to order by Acting Moderator Wayne Rich at 5:02 PM.

2. ROLL CALL

Acting Moderator Wayne Rich, Harbor Committee Members Dean Wass, Mike Ryan, Art Paine, Harbormaster David Schlafer, Town Manager Millard Billings, Town Attorney James Collier. Visitors included Mark Good of the Mount Desert Islander and Charlie Dillon.

3. APPROVE MINUTES

The following corrections to the minutes of July 28, 2011 were discussed:

Page 1. Item 4A. the word "presentenced" should be replaced with the word presented

Page 2. Item 6A. after the words, "some of the planks" insert at Bernard Boat Ramp

Motion to approve minutes as amended by Harbor Committee Member Art Paine, with a second by Harbor Committee Member Mike Ryan voted 4-0 to approve.

4. OLD BUSINESS

4A. REVIEW ARMY CORP RECCOMENDED CHANGES TO HARBOR ORDINANCE

The Harbor Committee reviewed changes incorporated into the ordinance at the recommendation of Jay Clement of ACOE. After a through review the Harbor Committee recommended the following four changes be added to the Harbor Ordinance, as follows:

Page 1. Section I. after the words "Town of Tremont" delete the words "herein described"

Page 6. Section XI, G 4. after the words "rental floats to" insert the word "be"

Page 13. Section XV, K delete the word and line "entitled"

Page 14 Section XV, O after the words "boundaries of Tremont" delete the word "Harbors" and insert the word "Shoreline"

5. NEW BUISNESS

5A. REVIEW WHARF AND FACILITIES ORDINANCE

The Harbor Committee reviewed changes incorporated into the ordinance at the last meeting. After a through review the Harbor Committee recommended the following changes be added to the Wharf and Facilities Ordinance, as follows:

Page 5. Section 108 Penalty:

- a. **In accordance with 30-A M.R.S. § 4452(3)**, failure to comply with or violation of any of the provisions of this Ordinance will result in a fine of not less than \$100.00 nor more than \$2,500.00 to be recovered in Hancock County, Maine, District Court, on complaint of officials named in SEC. 107 of this Ordinance. The Court may enter restraining orders or prohibitions and/or minimum fines of \$100.00 and maximum fines of \$2,500.00 in each instance. Each day a violation exists constitutes a separate violation. All such fines shall be in addition to all applicable fees.

In accordance with 30-A M.R.S. §§ 4452(3)(D) & (5)(R), persons or entities ordered by a court of law to pay such a fine, shall also pay to the Town of Tremont its reasonable attorney's fees, expert witness fees and costs.

- b. **Waiver of court action and payment of fees.** Notwithstanding any other provision of this Ordinance to the contrary, any person who in the opinion of the Harbor Master commits a violation of this Ordinance ~~by virtue of their use of the Tremont Wharf,~~ and who receives a ticket from the Harbor Master in regard to said violation, may waive all court action by payment to the Town of Tremont of \$100.00 within seven days of the date of the issuance of said ticket. Persons failing to pay said \$100.00 within fourteen days of the date of the issuance of said ticket may nevertheless waive all court action by payment to the Town of Tremont of \$200.00 within fourteen days of the date of the issuance of said ticket.

The Harbor Committee Members discussed adding the section from the Harbor Ordinance that deals with appeals into the Wharf and Facilities Ordinance. Town Attorney James Collier will accomplish the drafting necessary.

The Harbor Committee discussed incorporating into the ordinance a clause to deal with habitual offenders. The Harbor Committee requested that after three convictions wharf use privileges shall be terminated for one year. Town Attorney James Collier will look at Constitutional issues that may arise from such action and bring a revised draft to the meeting of August 18, 2011 at 5:00 PM.

The Harbor Committee discussed the wording in Section 103 Permits. The Harbor Committee agreed that the existing wording stated that no new non-resident vessel (Wharf) Permits shall be issued. Therefore a current permit must be renewed before it expires and if the permit expires no new permit shall be issued. The Harbor

Committee recommended that signs be posted at the Wharf to give non-resident vessel permit holders notice to renew before September 1, 2011.

6. TOWN MANAGER REPORT

Town Manager Millard Billings presented the Harbor Committee Members with a document that had been given to a clerk at the Town Office at 2:55 PM that afternoon.

Motion by Harbor Committee member Mike Ryan, with a second by Harbor Committee member Art Paine: The Harbor Committee answers this request as follows, due to the number of circumstances involved the actual placement of boats in the Harbor is a work in progress. Work is continuing on the construction of a clear channel and will continue until a clear channel is accomplished.

Voted to approve motion by a show of hands all in favor no opposed. 4-0

7. HARBOR MASTER REPORT

The Tremont Harbormaster responds that he has said all there is to say during the previous discussion.

8. ADJOURN

Motion by Harbor Committee Member Mike Ryan to adjourn the August 11, 2011 Harbor Committee Meeting at 6:45 PM, seconded by Harbor Committee Member Art Paine. All in favor.