

Harbor Committee Minutes

1/16/2024 at 6:00PM

Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Don Condon, Chris Bates, Bob Vaughan

Others in attendance: Debrae Bishop, *harbormaster*, Sparky Clifford

Minutes from the December 19th ,2023 meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 12/31/2023. Discussion followed.

It was moved and seconded to approve amendments to the 2024 budget passed in December. The motion passed unanimously.

The Harbormaster reported on the following items.

- 1) Buck's Harbor Mooring location review - The Harbormaster presented a map of the harbor with some suggestions about moving some moorings to improve accessibility for transients and mooring owners. Discussion followed. The discussion will be continued at future meetings.
- 2) The zincs on the Betsy's Cove pier were almost gone and have been replaced. Thank you, Don Condon, for the reminder.
- 3) The recent storms did not do any significant damage to town property. There was significant loss and damage to numerous private piers in Orcutt's Harbor, Horseshoe Cove, Weir Cove, Seal Cove and elsewhere on the South Side of Brooksville and Cape Rosier. The Harbormaster has contacted various parties with info on resources available for disaster assistance.
- 4) The Harbormaster invited Sparky Clifford to attend and discuss float conditions. He recommended replacing two floats at Dodge's Point as they are wearing out. He thought one of the two might be repairable and could be used as an extension float for a year or two. He will look into the reported "rock pile" at the end of the current floats to see if it could be removed or if it would be safe to add one more float above it.

Chris Bates reported that he is waiting to hear from a consultant as to what permitting would be necessary for the town to dredge at Betsy's Cove and what the approximate cost of that permitting would be.

The chairman reported that a Brooksville based investor group is looking at purchasing the Marina.

Member Chris Bates term expires in March of 2024. Chris agreed to resubmit his name to the Selectmen.

Report on Legal situation – On January 9th,2024, The Maine Business and Consumer Court dismissed two appeals filed by Buck's Harbor Marina challenging two Brooksville Harbormaster enforcement actions. The decisions of the Business and Consumer Court validate the actions of the Brooksville Harbormaster and the Harbor Committee, upholding their determination that Buck's Harbor Marina was operating in violation of the 2020 Consent Agreement entered into between the Town and Buck's Harbor Marina and

in violation of the Brooksville Harbor ordinance in 2021 and 2022. The Town plans to file enforcement orders reflecting the above decisions with the Ellsworth District Court.

A status conference on the damages case filed by Buck's Harbor Marina will take place during the week of January 21st at the Maine Business and Consumer Court

Meeting adjourned at 7:25PM

Harbor Committee Minutes

12/19/2023 at 6:00PM,

Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Don Condon, Pat Ryan

Others in attendance: Debrae Bishop, *harbormaster*

Minutes from the November 21st ,2023 meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 11/30/2023. Discussion followed.

The Committee reviewed a draft 2024 budget. The Committee discussed the need for dock replacements at Dodge's Point. Inspection indicates that two floats are reaching the end of their useful life. The Harbormaster provided estimates for the cost to replace a single float. The cost per float is estimated to be in the range of \$7,500 to \$9,000. The Committee felt that replacing two floats at Dodge's Point should be included in the 2024 budget.

It was moved and seconded that the Committee approve the 2024 budget with the changes as discussed. The motion passed unanimously.

The Harbormaster reported on the following items.

- 1) Dodge's Point floats have been removed and inspected (see above)
- 2) Betsy's Cove floats remain in the water.

Don Condon reminded the Committee that the zincs on the Betsy's Cove pier may need replacement and should be checked. The Harbormaster said that she would inspect them.

The chair reported that grants may be available to cover some of the cost of the planned replacement floats at Dodge's Point. The grants need to be researched and filed in the 1st quarter of 2024

Members Mark Shaughnessy, Chris Bates and Bud Fisher terms expire in March of 2024. Bud and Mark have agreed to resubmit their names to the Selectmen. Chris will be consulted at the January meeting.

Report on Legal situation – Oral arguments took place on November 28th as scheduled. Judge promised to render a decision "as soon as possible" The expectation is a decision may be expected in January or possibly February.

Meeting adjourned at 6:45PM

Harbor Committee Minutes 11/21/2023 at 6:00PM, Attendees:, Bud Fisher, Frank Peasley, Mark Shaughnessy, Chris Bates, Don Condon, Bob Vaughan, Pat Ryan

Others in attendance: Debrae Bishop, *harbormaster*

Minutes from the October 17th, 2023 meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 10/31/2023. Discussion followed.

The Committee reviewed a draft 2024 budget. After discussion it was suggested that we should seek a clearer picture of the needed dock work to take place over the winter before finalizing the budget.

It was moved and seconded to move \$3,500 from the operating account to the Dinghy and Boat reserve account. The motion was approved unanimously.

It was moved and seconded to move \$10,000 from the operating account to the Self Insurance and Float Replacement reserve account. The motion was approved unanimously.

The Harbormaster reported on the following items.

- 3) The new laptop has been acquired and is now operable. A great improvement.
- 4) Dodge's Point docks have not yet been removed. It is expected they will be removed in the next few weeks.
- 5) Porta Potties have been removed from landings.
- 6) Some Betsy's Cove docks will remain in the water over the winter. The in-water configuration will be determined by the Harbormaster in consultation with the fishermen and the dock removal crew.

Regarding last month's action items:

Grant research – The chair reported that the Selectmen would like to wait on grant applications until we have a clearer picture of our options regarding all tide access.

Other Dredging options - Chris Bates contacted two potential commercial dredging firms. He got rough quotes of \$45-\$50 per yard of dredged material for dredging and disposal. After discussion the committee asked him to research what the permitting process might require/cost.

Seek political support from Maine's Senators and the District 1 Congressman – The chair reported that the Selectmen sent a letter to each of the Federal office holders asking for their assistance in working with the Army Corp of Engineers to reduce the proposed cost of the Feasibility Study.

Other all tide access options in town – No action taken to date

Report on Legal situation – Oral arguments on the 2021 BHM appeal as well as the 2022 BHM appeal will take place on November 28th.

Meeting adjourned at 7:15PM

Harbor Committee Minutes

10/17/2023

at 6:00PM, Attendees:, Frank Peasley, Mark Shaughnessy, Chris Bates, Don Condon, Bob Vaughan, Pat Ryan

Others in attendance: Debrae Bishop, *harbormaster*

Minutes from the September 19,2023 meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 9/30/2023. Discussion followed.

The chair read a letter from Peter Bennett commending the Harbormaster for her help in finding a safe mooring for his boat in the recent tropical storm. The chair also noted that Mr. Bennet made a contribution to the Harbor Committee in recognition of the harbormaster's help.

The chair reported that the Selectmen intend to improve the Wharf Road landing in the Spring of 2024 now that the phone cables have been moved from under the middle of the road.

The Harbormaster reported on the following items.

The recent heavy rain caused some issues with dinghies which were not bailed out. All issues have been resolved.

- 1) The porta potty has been removed from Dodge's Point.
- 2) Approximately 7 mooring fees are still delinquent. Collection activities are ongoing.

The Harbormaster reported that her 2007 laptop was dysfunctional. She had consulted with Peter Van derEb and he recommended a rebuilt Lenovo laptop. The cost will be \$650-700.

It was moved and seconded to authorize the Harbormaster to acquire a laptop based on the previous discussion. The motion passed unanimously.

The chair described the recent draft Army Corp of Engineers (ACOE) plan for a Feasibility Study of the proposed channel in Betsy's Cove. The cost of the study and the Town's share are considerably more than had been expected.

The action items suggested are:

- 1) Research the availability of government or non-profit grants to offset some of the costs for the town. The chair with the assistance of other Committee members will research this.
- 2) Research the possibility and rough cost of privately contracting to have a channel dredged. Chris Bates with assistance from other Committee members will research this.
- 3) Seek political support from Maine's Senators and the District 1 congressman. The chair will bring this to the Selectmen.
- 4) Explore other options for all-tide access in Brooksville. Bob Vaughan will lead this effort.

The chair updated the Committee on legal action in the BHM matter which occurred since the last meeting. The court hearing on the 2021 violations and the 2022 appeal will be held on November 28,2023

Meeting adjourned at 7:20PM

Harbor Committee Minutes 9/19/2023 at 6:00PM, Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Chris Bates, Don Condon, Bob Vaughan, Pat Ryan

Others in attendance: Debrae Bishop, *harbormaster*

Minutes from the August 15,2023 meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 8/31/2023. Discussion followed.

The Harbormaster reported on the following items.

- 3) A boat capsized at its mooring. It was successfully righted and the owner was informed.
- 4) The recent storm caused no damage to watercraft or shoreline. All members of the community collaborated in finding safe anchorage or haul out for all watercraft.
- 5) Many boats have been hauled for the winter .
- 6) Most mooring and dinghy fees have been collected. She is still working to collect a few laggards.

Bob Vaughan commented on the co-operation of the Harbormaster and others in finding safe anchorage for exposed boats. He especially noted the value of the Harbormaster's detailed records of in the water ground tackle to determine the suitability of moorings for various watercraft.

The chair updated the Committee on legal action in the BHM matter which occurred since the last meeting.

Meeting adjourned at 6:40PM

Harbor Committee Minutes 8/15/2023 at 6:00PM, Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Chris Bates, Don Condon,

Others in attendance: Debrae Bishop, *harbormaster*, Alison Snow, Steve Lyndsey, Eric Brehm, Grace Gregor

Minutes from the July 18th meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 7/31/2023. Discussion followed.

Alison Snow presented her concerns about seaweed harvesting and the use of Dodge's Point landing for commercial access by the harvesters. This was primarily informational as no harvesting has taken place since 2021. Alison expressed concern that the harvesters are on a 2 to 3 year cycle and may be returning soon. The chair had circulated a letter to the committee from Alison prior to the meeting regarding Dodge's Point. Grace Gregor whose property abuts Dodge's Point landing expressed concern about parking on her property that occurred when the parking lot was full of harvesting equipment. After discussion she indicated that she would install no parking signs on her property.

Eric Brehm, who is a member of the Buck's Harbor Yacht Club asked for an update on the possibility of dredging in Betsy's Cove. A discussion followed and the chair will send a copy of the most recent report from the Army Corp of Engineers to Eric.

Steven Lindsey attended and expressed concern about a specific mooring located near his waterfront which has on occasion had oversized boats which impede access to his personal mooring.

The chair reported that Town Counsel has stated that commercial and recreational boaters can access fuel (diesel only) directly from fuel trucks at Betsy's Cove Landing. All arrangements must be made by the boat owners directly with the fuel company.

The Harbormaster reported on several items.

- 7) Collections of overdue mooring fees continue. All but 1 mooring in Buck's Harbor is now current.
- 8) The harbormaster participated in a response to a medical emergency. She transported an EMT from Peninsula Ambulance and a member of the Brooksville Fire Department in the Harbormaster boat to a sailing vessel located near Great Spruce Island where an individual had suffered an accident. She also organized a dock space for the vessel when it arrived in Buck's Harbor and access for the ambulance crew to the docks. The injured party was stabilized and taken by ambulance to the hospital.
- 9) A discussion was held regarding channels and mooring locations in Buck's Harbor.
- 10) A discussion of the dinghy capacity at the Betsy's Cove landing was held. We are approaching or have reached capacity for dinghy spaces. The Committee will consider management options before the 2024 boating season.

The chair updated the Committee on legal action in the BHM matter which had occurred since the last meeting.

Meeting adjourned at 7:20PM

Harbor Committee Minutes 7/18/2023 at 6:00PM, Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Chris Bates, Bob Vaughan, Don Condon, Pat Ryan

Others in attendance: Debrae Bishop, *harbormaster*

Minutes from the June 20th meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 6/30/2023. Discussion followed.

The chair reported back to the committee regarding last month's discussion of the MMA request for a discount. MMA was informed that no discount was available and the fees due have been received.

The chair had circulated a letter received from a resident regarding Buck's Harbor prior to the meeting. A discussion of the letter's contents took place.

The Harbormaster updated the committee on activities during the month.

- 1) The Selectmen have designated spaces at the community center for overflow and overnight parking for permitted users of Betsy's Cove Landing. All signage is in place.
- 2) The repaired float was launched and positioned at Betsy's Cove and there is now adequate space for the current dinghy permit holders.
- 3) The harbormaster requested that the chair contact the town's attorney regarding access to fuel at Betsy's Cove Landing.
- 4) The Harbormaster reported that all transient moorings that are currently in place in Buck's Harbor are properly labelled with the maximum length of boat which they can safely hold.

The chair updated the Committee on legal action in the BHM matter which had occurred since the last meeting.

Meeting adjourned at 6:50 PM

Harbor Committee Minutes 6/20/2023 at 6:00PM,

Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Chris Bates, Bob Vaughan, Don Condon

Others in attendance: Debrae Bishop, *harbormaster*

Minutes from the May 30 meeting were reviewed by the committee and unanimously approved.

The Committee reviewed the financial statements as of 5/30/2023. Discussion followed.

The chair circulated an email received from the waterfront director at MMA seeking a volume discount on mooring fees (MMA has 49 moorings in Brooksville waters). The Committee discussed and noted that there are no provisions for quantity discounts in the Harbor Ordinance. The chair will write to MMA to let them know that no discounts are available.

The Harbormaster updated the committee on actions taken or contemplated to mitigate the dislocation caused by the closing of the Marina. The repaired float is ready to launch and much discussion took place regarding the best place to attach it to the existing floats. The goal is to get the maximum number of dinghy spaces without interfering with loading and unloading. The Harbormaster took notes and will implement. Other items are awaiting regulatory or legal approval before implementation. All Town Landings are up and running smoothly.

The chair circulated the Business and Consumer Courts decision on from the June 1st preliminary hearing via email prior to the meeting. A short discussion of the decision followed.

Meeting adjourned at 7:20 PM

Harbor Committee Minutes 5/16/2023,

Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Pat Ryan, Chris Bates, Bob Vaughan, Don Condon

Others in attendance: Maggie White, reporter, 2 members of the public

Minutes from the April meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the month ended 4/30/2023. No questions raised.

Harbormaster report: Most of the mooring renewals for Bucks Harbor are in. I have 38 still missing and I did the first round of outreach for the late ones. Most replied that they will send it soon.

For Buck's Harbor waiting list: I've reassigned 6 moorings, added 5 new. There is currently no one listed as shore owner or resident commercial fishing on the wait list. I still have 4 on the move list, waiting for larger more protected spots. 7 resident recreational (4 with temp places for 2023, 2 don't need a spot this year, and 1 will set a new mooring) and 10 non-residents,(I have temp spots for 3, 2 more don't need one this year) So, I've made decent progress on the wait list.

I ordered Porta potties for both Betsy's cove and Dodge Point. They should be placed soon.

I've asked Joel Clifford to sweep all 3 landing lots, delaying Betsy's cove until Sparky has removed the derelict float. A taker for that float has asked Sparky to deliver it, and he will once he's built the replacement while using the old one for reference. He's ordered the parts and should start the build soon.

Moved and seconded: Enter executive session to discuss procedures for upcoming appeals hearing.
Passed Unanimously

Returned from executive session, conducted appeals hearing. Minutes from appeals hearing will be published separately.

Meeting adjourned at 9:15PM

Harbor Committee Minutes 4-18-2023,

Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Pat Ryan, Chris Bates, Bob Vaughan, Don Condon

Others in attendance: Debrae Bishop *Harbormaster*, Sparky Clifford *Matilda Bay Mooring Service*

Minutes from the March meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the month ended 3/31/2023. Discussion followed.

Harbormaster report: Dodge's point docks are in, Dinghy decals are being issued, Float damaged at Betsy's Cove, Question on Porta Potties for Betsy's Cove and Dodge's Point.

Moved and seconded: Harbormaster to contract with Rays Plumbing for Porta Potties at Betsy's Cove and Dodge's Point through September. Passed unanimously.

Sparky Clifford attended the meeting and provided information and approximate costs to repair or replace the damaged work float at Betsy's Cove. Extensive discussion followed. The cost to repair was estimated to be +/- \$3000 with an estimated life of 2 years. The cost to replace the damaged float with a similar sized float was estimated to be +/- \$7,500 with an estimated life of 20 years. After much discussion it was decided that a replacement float with a 10' width would be more useful than the current 8' width float. This would add \$2,000 to \$3,000 to the cost but would be more useful. The committee expects that it will be possible to use the new float in a new float configuration if dredging is approved. If not, it may be possible to use it at another Town landing or to sell it to a third party.

Moved and seconded: To approve the building of a new float by Matilda Bay Mooring Service to replace the damaged float at Betsy's Cove. The float will be 10' wide and the same length as the damaged float. Flotation will be the encapsulated foam billets. Approved unanimously.

Moved and seconded: To authorize Sparky Clifford to offer the damaged dock for sale, such sale to include the removal of the dock from the landing. Approved unanimously.

The chair reported that: The Harbormaster and the chair had a Zoom meeting with Keith Hannon and Parker Murray of the Army Corp of Engineers (ACOE). The ACOE has secured funding for the next phase of the Betsy's Cove project. They have formed a team led by Parker Murray to prepare the groundwork for the Feasibility Study. As soon as the parameters of the Feasibility study have been established the Town will need to approve the study and vote to cover 50% of any costs over \$100,000. The Harbor Committee has already appropriated \$25,000 for 2023 to cover 50% of any overage up to \$150,000.

The chair reported that the mediation in the matter of Bucks Harbor Marine took place in Bangor on April 4th. The mediation was unsuccessful.

The Appeals hearing for the BHM Notice of Violation issued by the Harbormaster in August of 2022, that was stayed pending mediation, is now scheduled for May 16th at 7PM.

The meeting was adjourned at 7:15PM

Harbor Committee Minutes 3-21-2023,

Attendees: Bud Fisher, Frank Peasley, Mark Shaughnessy, Pat Ryan

Others in attendance: Maggie White, *Reporter*

Minutes from the February meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the month ended 02/28/2023. Discussion followed.

The chair reported that no further information had been received from The Army Corp of Engineers

The chair reported that mediation in the Buck's Harbor Marine issue will take place on April 4th. It will include the selectboard, the harbormaster, the chair of the harbor committee and the towns attorneys. There is a lawyer (Peter Schroeder) who will serve as the professional mediator who has been approved by both parties and will be paid 50/50. In addition, BHM and Mr. Buck and their attorneys will be there

The chair reported that:

The Selectmen approved the Harbor Committee's recommendation for the change in pay for the Harbormaster unanimously.

The Selectmen approved the appointment of Frank Peasley, Don Condon, and Pat Ryan to three year terms beginning March 7 2023

The meeting was adjourned at 6:15PM

Harbor Committee Minutes 2-21-2023,

Attendees: Bud Fisher, Frank Peasley, Don Condon, Chris Bates, Bob Vaughan, Mark Shaughnessy, Pat Ryan

Others in attendance: Debrae Bishop, *Harbormaster*, Maggie White, *Reporter*

Minutes from the January meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the month ended 01/31/2023. Discussion followed.

The Harbormaster reported: New mooring tackle and driven anchor point installed for Betsy's Cove floats. This should improve dock security as well as removing a mushroom which was placed at the end of the launching ramp. Discussion of mooring renewals deferred to later in the meeting

The chair reported that The Army Corp of Engineers informed the town that they have received funding to begin putting together the feasibility study for the proposed channel in Betsy's Cove. They will let the town know as the process develops. They indicated that it may be some time before we hear as they are quite busy.

The chair informed three members (Frank Peasley, Don Condon, Pat Ryan) that their term is expiring on March 7th. Each member indicated that they were willing to continue to serve. No other nominations were given. The chair said he would recommend the three members to the Selectmen as nominees.

The chair reported that the Town and the Marina have agreed to court supervised mediation. The initial date of March 7th did not work because it conflicted with Town Meeting. The attorneys are trying to find an acceptable date in early April.

The Harbormaster discussed the upcoming mailings for mooring renewals. Due to the ongoing litigation, she is concerned about moorings that are inspected by the Marina as well as moorings owned by the Marina. There has been no oversight on these moorings since 2020 due to judicial stays. She was looking for guidance about mailing renewals for these moorings. After discussion the committee recommended that, since the mediation is expected to take place in early April, the affected mooring renewals should not be mailed until after the mediation hearing.

The board voted to go into Executive Session to discuss personnel matters.

The board returned from executive session.

It was moved and seconded that: The Harbor Committee being pleased with the performance of the Harbormaster, recommends that the Selectmen grant an increase of \$2 per hour to the Harbormaster beginning in March. All other terms of employment remain the same. The motion passed unanimously.

Adjourn

Harbor Committee Minutes 1-17-2023,

Attendees: Bud Fisher, Frank Peasley, Don Condon, Chris Bates, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*, Maggie White, *Reporter*

Minutes from the December meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the year ended ended 12/31/2022. Discussion followed.

The Harbormaster reported: December is a slow month so there is not a lot to report. Docks in Betsy's Cove have been removed except for the floats closest to shore and the ramp. As reported in the November minutes this will allow fishermen and emergency services access in the winter months.

Chair met with the town's Budget Committee on January 3rd. We discussed the proposed budget for 2023 which includes the fee increase and the budget item for the ACOE feasibility overrun of \$25,000. There was discussion about the Army Corp's Feasibility Plan and support by both the Budget Committee and Selectman John Gray for continuing to pursue the goal of all tide access. The Budget Committee also asked for an update on the legal situation. They were provided with the statements from our published minutes for the last 4 months which provided a satisfactory summary. The Budget Committee voted to recommend the transfer of \$7,000 from boat excise taxes to the Harbor Committee budget for 2023

There has been no communication from the Army Corp of Engineers since our last meeting.

The court was informed that Bucks Harbor Marine has retained an attorney as of January 13th 2023.

Adjourn

Harbor Committee Minutes 12-20-22,

Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Chris Bates, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*, Maggie White, *Reporter*

Minutes from the November meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the month ended 11/30/2022. Discussion followed.

The Harbormaster reported:

- 1) A few more late remittances for mooring fees were received in December. Only one or two delinquent accounts at this point. Harbormaster expects that they will be brought up to date by the end of December.
- 2) Usage of Betsy's Cove continues to be strong in December. The outer floats will be removed in the next few weeks. The inner floats will be left in for the winter.

Keith Hannon of the Army Corp of Engineers (ACOE) wrote. He attached a draft of the Economic study of Betsy's Cove which has been circulated to the Committee. This needs one more sign off from an upper level officer in the Corp to be official. Keith stated: *Once we receive that concurrence, we should get another \$50,000 soon after to help us develop a project management plan (PMP), which will outline the full feasibility study tasks, schedules, and budget, and give us the time to develop a Feasibility Study Cost Share Agreement (FCSA). After you have reviewed and accept the PMP, I can send you a letter format used for a non-Federal sponsor to support moving forward with the study and expressing your intent to sign the FCSA.*

Mark Shaughnessy circulated a draft of a letter to accompany the mooring and dinghy registration billings in 2023. The Committee discussed the letter and no suggestions were made for changes. It will be included in the annual mailing.

Mark Shaughnessy circulated a letter to the editor of the *Weekly Packet* that he submitted to the paper this week. He explained that he wanted to clarify the purpose of the mooring regulations for *Weekly Packet* readers.

It was announced that the Judge has continued the cases in Court until January 13th. At that point the Judge will decide to either suggest a mediation session or a Judicial Settlement conference. The Appeals hearing continued from December 2nd may be held in the new year contingent on those procedures.

The petition by John Buck and Bucks Harbor Marina for a restraining order on the Harbormaster was heard in Ellsworth District Court and was dismissed by the District Court Judge.

Adjourn

Harbor Committee Minutes 11-15-22,

Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Chris Bates, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the October meeting were reviewed by the committee and unanimously approved.

The committee reviewed the financial statement for the month ended 10/31/2022. Discussion followed.

The Harbormaster reported:

- 3) Usage of the floats at Betsy's Cove is continuing into the winter. The Harbormaster wanted the committee's opinion on leaving the ramp and 2 floats in for the winter. Discussion followed. Sense of the Committee was that leaving in 2 floats would benefit several town residents and posed little risk to the floats. Two committee members agreed to keep skim ice from forming in the Cove by using their fishing boats.

Mark Shaughnessy reported that Keith Hannon of the Army Corp of Engineers (ACOE) wrote. Keith apologized for the slow movement on finalizing the ACOE Economic analysis. He explained that the senior officer overseeing the plan had retired and the retirement had delayed action. He expects that the final document will be approved soon and sent to the town.

Mark Shaughnessy reported that the Selectmen had unanimously approved the new fee schedule for 2023.

A draft budget for 2023 was presented by the chair. Discussion followed. A motion to approve the budget as drafted for 2023 was moved, seconded and approved unanimously.

It was announced that an Appeals hearing of the 2022 enforcement action re. Buck's Harbor Marine and Jon Buck would be held at the Town House on December 2nd at 7PM. An executive session with the town's attorney will be held before the hearing to discuss procedural issues.

Adjourn

Harbor Committee Minutes 10-18-22,

Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Chris Bates, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the September meeting were reviewed by the committee and unanimously approved as amended.

The committee reviewed the financial statement for the month ended 9/30/2022. Discussion followed.

The Harbormaster reported:

- 4) Will remove the Porta Potty at Betsy's Cove for the season at the end of October
- 5) A few mooring and dinghy holders with unpaid 2022 fees. Working to collect.

Mark Shaughnessy reported that there is no word yet from Army Corp of Engineers regarding the final Economic study at Betsy's Cove.

The Committee continued to discuss fee changes for 2023. Mark Shaughnessy reported that he expects the Committee to spend \$37,000 more in 2022 than the Committee will collect in fees. This is a result of repowering the harbormaster boat, repair and replacement of floats and pier at Dodge's Point and substantial legal fees for ongoing ordinance enforcement. The Committee voted unanimously to raise the annual fees for resident moorings and dinghy space by \$15 for 2003. Non-resident fees will increase by \$75 in accordance with state statute.

Moved and seconded and approved unanimously: To recommend to the Selectmen to increase resident fees by \$15 annually on mooring and dinghy space and non-resident fees by the statutorily allowed amount.

A motion was made and seconded to recognize Sarah Cox's foundational contributions to the Harbor Committee.

Moved and seconded and approved unanimously: Sarah Cox was the driving force in establishing the Harbor Committee. She was instrumental in drafting the Harbor Ordinance in its present form (as amended from time to time). She put heart and energy into this Committee and other efforts to benefit Brooksville. She is and will be missed as a good citizen and a good friend to all.

Chair updated the Committee on legal matters: The Court has consolidated the Superior Court suits into one suit and changed the venue to the Business and Consumer Docket. A mediator was chosen and mediation is scheduled for October 31st,2022. The town was informed on October 17th that Pretti Flaherty is no longer representing Buck's Harbor Marine and John Buck.

Adjourn

Harbor Committee Minutes 9-20-22,

Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Chris Bates, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the August meeting were reviewed by the committee and unanimously approved as written.

The committee reviewed the financial statement for the month ended 8/31/2022. Discussion followed.

The Harbormaster reported:

- 6) A few Mooring and dinghy holders have not paid their 2022 fees. The Harbormaster is attempting to collect.
- 7) As the season winds down there are no particular items to report

Mark Shaughnessy reported that there is no word yet from Army Corp of Engineers regarding the final Economic study

The Committee discussed possible changes in fees for 2023. Several possibilities were discussed. The Committee agreed to continue the discussion at the next monthly meeting.

Chair updated the Committee on legal matters:

The Selectmen and the town's attorneys have agreed to seek a stay to all pending suits and to seek to have all Superior Court suits consolidated into a single suit. They also agreed to seek a change of venue to the Business and Consumer docket instead of the current venue in Hancock Superior Court. In addition, the town will seek a court sponsored mediation to potentially resolve the disputes. This approach is supported by the plaintiff's attorneys.

Adjourn

Harbor Committee Minutes 8/16/2022

Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Chris Bates, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the July meeting were reviewed by the committee and unanimously approved as written.

The committee reviewed the financial statement for the month ended 07/31/2022. Discussion followed.

The Harbormaster reported:

- 1) Positive response from the community to the newly rebuilt Betsy's Cove Landing
- 2) Citizen requests for a Porta Potty at Dodge's Point landing. Committee will consider that for 2023 season
- 3) Still pursuing 2022 fees from a few mooring and dinghy holders

Mark Shaughnessy reported that construction at Betsy's Cove is complete. Final billings received. We came in 19,075.62 under the amount budgeted. All contractors have been paid and we are awaiting the final 64,076.21 from the state to complete their \$325,000 contribution.

Mark Shaughnessy reported that the following email was received from the Army Corp of Engineers regarding the dredging study on August 10.

Hi Mark,

Quick update on the Buck Harbor FID – it is currently being reviewed. Once I get the final draft back and make any required edits, I can send it to you for your review and input to finalize the document.

Thank you

Chair updated the Committee on legal matters:

The Towns insurance carrier is representing the town re: Complaint for Declaratory and Injunctive Relief filed by Buck's Harbor Marina. The Selectmen, the Chair of the Harbor Committee and the Harbormaster are working with the town's attorney and the insurance company attorney on this matter.

Protection from harassment complaint against the Harbormaster filed 8/3 by Bucks Harbor Marina. Court denied temporary order and scheduled a hearing for 9/21

The Harbormaster filed an enforcement action against Buck's Harbor Marine on Friday 8/12

The Insurance Company attorney filed a motion for dismissal of the complaint seeking Declaratory and Injunctive relief on 8/12

Adjourn

Harbor Committee Minutes 7/19/2022

Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Bob Vaughan, Chris Bates, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the June meeting were reviewed by the committee and unanimously approved as written.

The committee reviewed the financial statement for the month ended 06/30/2022. Discussion followed.

The Harbormaster reported:

- 1) Mooring and Fee collections are proceeding. Those with outstanding balances have been contacted.
- 2) Waiting list in Buck's Harbor is being managed. Mooring applicants with immediate need have been accommodated at least temporarily.
- 3) Service and Transient moorings owned by the Town, the Yacht Club and a cruising club are in compliance with the amended Ordinance

Construction at Betsy's Cove is complete. Final billings not yet received. The Chair believes that we will come in slightly under budget.

An update was provided on a meeting with the Army Corp of Engineers (ACOE) which took place this month. Meeting was attended by the Harbormaster, Mark Shaughnessy, Chris Bates and Bud Fisher. The ACOE stated that their Economic review was complete and that the proposed dredging project meets the economic criteria of the ACOE. The ACOE will be submitting a formal economic report to the Town within the next 30 to 60 days. Upon receipt and review of the report the Town may ask the ACOE to complete a feasibility study. The study will require the town to agree to pay 50% of any costs over \$100,000. The Committee discussed the channel location proposed by the ACOE and believes that there may be more efficient locations for the channel which could reduce the overall cost.

Mark Shaughnessy updated the committee on filings in the legal matter with BHM. The Selectmen and the Harbor Committee Chair will be meeting with counsel tomorrow.

The meeting adjourned at 7:15PM

Harbor Committee Meeting Minutes June 21, 2022

Attendees: Pat Ryan, Frank Peasley, Don Condon, Chris Bates, Bud Fisher and Harbor Master Debrae Bishop

Minutes of the May meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 4/31/22.

Harbor Master Report

1. Yacht Club and town have labeled their moorings, blue water sailing club will do so this week. Channel marker buoys will be put in this week.
2. A new transducer has been installed on the Harbormaster boat.
3. Marina has permits for transients' moorings.
4. Discussion of porta poti at Betsys Cove
Motion to maintain a porta poti at Betsy's cove for the season. Chris Bates made the motion, Frank Peasley 2nd. The motion was approved unanimously.

Sea Wall Update

Bud Fisher noted that the sea wall and parking area are nearly complete. Bud Fisher presented a draft of a parking lot grid prepared by Andrew McCullough to the Committee. After discussion the Committee approved the draft with a slight change in angle of parking at the West end of the lot.

The Committee adjourned at 6:45

Harbor Committee Minutes 5/17/22

Attendees: Frank Peasley, Don Condon, Chris Bates, Robert Vaughn, Bud Fisher

Others in attendance: Debrae Bishop, Harbormaster

Minutes from the April meeting were reviewed by the committee and unanimously approved as written.

The committee reviewed the financial statement for the month ended 4/30/22.

Harbor Master reported on:

1. All floats are in place.
2. The additions to the Dodges Point float have added additional length to the float and more low tide access.
3. Mooring fees are coming in at a modest level.
4. Our attorney and the harbormaster are having ongoing discussions to see if there is any common ground for a resolution of the suits being filed by Bucks Harbor Marine.

Betsy's Cove Sea Wall:

Bud Fisher reported that we are ready for pavement and guardrails but our contractor is waiting for State approval of the asphalt mix to be used. The expectation is that these approvals will be in place soon and that paving will begin next week.

The meeting adjourned at 6:45 PM

Harbor Committee Minutes 4/19/22 Attendees: Bud Fisher, Frank Peasley, Don Condon, Pat Ryan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the March meeting were reviewed by the committee and unanimously approved as written.

The committee reviewed the financial statement for the month ended 03/31/2022. Discussion followed.

The Harbormaster reported on

- 1) Renewal fees for moorings and dinghies are coming in normally
- 2) Two moorings in Buck's Harbor will not be renewed allowing those locations to be offered to waiting list applicants
- 3) Dodge's Point and Betsy's Cove floats are ready to go in and should be launched soon

Bud Fisher presented an update of the construction at Betsy's Cove. He reported that all was going according to plan.

- 1) He sought the committee's guidance on possible parking layout when the construction is complete. Consensus was that when the grading is complete Committee should meet on site to view various possible layouts to maximize both parking and turning radius for boat launching.
- 2) Bud described the change in construction plans eliminating the cement pad at the face of the pier to be replaced by pavement. Discussion followed.
- 3) Ramp to be repaired using pavement

Mark Shaughnessy reported on 2 meetings with the Army Corp (ACOE). Frank Peasley, Debrae Bishop and Bud Fisher also participated in the meetings.

- 1) ACOE gathered economic data regarding boat sizes, number of fishermen, annual catch, number of sternmen etc. Frank and Debrae were very helpful in gathering and communicating the information requested.
- 2) The proposed map of a dredged channel developed by ACOE was distributed. Discussion followed

Don Condon reported that the Harbormaster's boat with new engine is ready to launch. Harbormaster is ready for it to be launched as soon as it is convenient.

Mark Shaughnessy updated the committee on filings in the legal matter with BHM

Mark Shaughnessy will be unavailable to chair the committee in the months of May and June, Bud Fisher agreed to act as interim chair

The meeting adjourned at 7:00PM

Harbor Committee Minutes 3/15/22

Attendees: Chris Bates, Bud Fisher, Frank Peasley, Don Condon, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the February meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 02/28/2022. Discussion followed.

The Harbormaster reported on

- 1) Plan to mail mooring and dinghy renewal notices before the end of the month.
- 2) Plan to send letters to mooring holders affected by the recent amendment to the Harbor Ordinance a copy of the new Ordinance section and an explanation of the actions necessary to comply.
- 3) Construction of the new float at Dodge's Point

The committee reviewed the proposed updates to the 2022 Appendices to the Harbor Ordinance. There was agreement on all changes. Mark Shaughnessy will meet with the Selectmen to seek their approval.

Bud Fisher presented an update of the construction at Betsy's Cove. He reported that all was going according to plan. He also sought the Committee's guidance on the type of protective cap to be installed on the new pilings and the height of the Pilings above the steel wall. The Committee supported the concept of a fiberglass cap and pilings approximately 1 foot above the wall. The repair of the parts of the boat ramp that have eroded was also discussed. Bud will work with the engineer and the construction firm to find an economical solution.

Don Condon reported the new engine for the Harbormaster's boat is installed and ready to go. He is still waiting for a tachometer which is backordered. He recommended that we purchase a cover for the console to keep it dry while the boat is moored. The committee agreed and he will order a cover

A motion was made and seconded to re-elect Mark Shaughnessy as chair. The motion passed unanimously

The Committee met in executive session to review personnel matters.

The meeting adjourned at 7:30PM

Harbor Committee Minutes 2/15/22

Attendees: Chris Bates, Bud Fisher, Frank Peasley, Don Condon, Bob Vaughan, Pat Ryan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the January meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 01/31/2021 Discussion followed.

Bob Vaughan provided a quote from Viking for materials needed to construct a new float for Dodge's Point. After contacting other suppliers Bob concluded that Viking was the best source. Mark Shaughnessy will contact Sparky Clifford and provide him the quote and the authorization to begin the planning for the new dock construction

Bud Fisher presented an update of the construction planning and mobilization at Betsy's Cove. Discussion followed.

Mark Shaughnessy updated the Committee on ACOE communication regarding the economic assessment of the potential Betsy's Cove dredging project. Discussion followed

Don Condon presented financial data about re-powering options for the Harbormaster boat. After discussion It was moved and seconded that: Condon and Son Garage purchase and install a 70HP Yamaha outboard along with necessary accessories. The vote was 6 in favor with Don Condon abstaining.

Mark Shaughnessy updated the committee on legal filings by the town's attorneys in the BHM matter. Discussion followed

Mark Shaughnessy updated the committee on the Harbor Ordinance amendment. He informed the Committee that the Amendment has been published in the Town Report and will be included on the warrant at the annual Town Meeting. Bob Vaughan has put together an information sheet to be used during the discussion period at town meeting.

The meeting adjourned at 7:30PM

Harbor Committee Minutes 1/18/22

Attendees: Chris Bates, Bud Fisher, Frank Peasley, Don Condon, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the December,2021 meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 12/31/2021 and the final budget for 2022. Discussion followed. Mark Shaughnessy reported that the budget had been presented to the Budget and Advisory Committee and that that committee supported the \$7,000 town appropriation to the Harbor Committee for 2022,

The Harbormaster reported that the docks at Betsy's Cove were towed to Little Deer Isle for winter storage. The harbormaster provided a list of materials needed for the replacement dock at Dodge's Point. Bob Vaughan will contact his suppliers for quotes to compare with Viking Lumber prices.

It was announced the Bob Vaughan and Mark Shaughnessy's terms are expiring in March. Both members expressed their willingness to stand for another term. This will be communicated to the Selectmen.

Bud Fisher presented a summary of the Pre-Construction meeting with the Maine DOT and the contractor for the Betsy's Cove reconstruction. Discussion followed

Mark Shaughnessy informed the committee that a stay of enforcement request had been filed by BHM with the Superior Court. The town's attorneys are filing a brief to contest the request.

It was moved and seconded that: Don Condon negotiate the purchase of a 70HP Yamaha outboard for the Harbormaster's boat. Upon completion of the negotiation, he will inform the committee of the detail and seek ratification via email. The motion passed 5 in favor one abstention.

Amendment to the Harbor Ordinance was discussed and amended again. Two motions were involved

- 1) It was moved and seconded that: The Committee accepts the proposed Ordinance amendment dated 1/12/2022 and will submit it to the Brooksville Ordinance Committee. That motion passed unanimously.
- 2) After some further discussion additional changes to the Ordinance were proposed. It was moved and seconded that: The Committee accepts the changes to the Ordinance amendment dated 1/18/2022 and will submit that version in lieu of the 1/12/2022 version to the Brooksville Ordinance Committee. The Motion passed unanimously

The meeting adjourned at 7:20PM

Harbor Committee Minutes 12/21/21

Attendees: Chris Bates, Patrick Ryan, Bud Fisher, Frank Peasley, Don Condon, Bob Vaughan, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*,

Minutes from the November 17, 2021 meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 11/30/2021 and a draft budget for 2022. Discussion followed.

Committee and Harbormaster discussed removal of docks at Betsy's Cove. They cannot be stored in the parking lot during construction. Options to leave in, move to Little Deer Isle or truck to storage in Brooksville were discussed. Harbormaster will review options and select the most cost effective one.

Committee and Harbormaster discussed the replacement of a float at Dodge's Point. Various ideas were proposed. Harbormaster will meet with contractor to discuss possibilities.

A draft of the committee's letter to be published in the Town Report was reviewed. After discussion it was approved unanimously.

Amendment to Harbor Ordinance was moved, seconded and approved unanimously and the chair was instructed to submit to the selectmen and the town ordinance committee

The chair reported that no response has been received to the Committee's November 24th letter to Buck's Harbor Marine.

Harbor Committee Minutes 11/16/21 Attendees: Chris Bates, Patrick Ryan, Bud Fischer, Frank Peasley, Don Condon, Mark Shaughnessy

Others in attendance: Debrae Bishop, *Harbormaster*, Patrick Lyons, *Attorney*, John Buck, Jack Wright, John Gray, *Selectman*

The chair recognized the members of the public in attendance and informed them that the committee planned to go into executive session. The chair deferred the vote on executive session and invited the members of the public to speak. John Buck addressed the committee regarding the recent appeal ruling. Jack Wright expressed a desire to mediate the ruling of the Harbor Committee in the recent appeal. Discussion with the town's attorney, committee members and Mr. Buck and Mr. Wright followed.

After lengthy discussion the committee voted to convene in executive session to discuss legal strategy with the Town's attorney.

Upon returning from executive session the committee voted unanimously to have their attorney send a letter to Buck's Harbor Marine offering settlement terms for the Harbor Ordinance violation. The letter is to be drafted and sent no later than November 22nd

Minutes from the October 21, 2021 meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 10/31/2021. Discussion followed.

Because of the late hour the discussion of changes in Harbor Ordinance language was postponed until next month.

Meeting adjourned

Harbor Committee Minutes 10/19/21 Attendees: Bob Vaughan, Chris Bates, Patrick Ryan, Bud Fischer, Frank Peasley, Don Condon, Mark Shaughnessy

Others in attendance: Debrae Bishop, Harbormaster

Minutes from the September 21, 2021 meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 9/30/2021. Discussion followed

The Harbormaster reported that she had sought a quote for a replacement for a worn float at Dodge's Point. The quote was not obtained. Will be available after the busy season. The harbormaster boat has been pulled for the season after experiencing a mechanical breakdown.

Betsy's Cove update –

Final MDOT changes to the bid documents submitted to Andrew McCullough on 10/12/21 at 4PM

Andrew McCullough has finalized documents as of Monday 10/18/21

They will be posted ASAP as bid documents on the MDOT website.

The date for bid opening is set as Wednesday, November 17th at 10AM at the Town House. There is a planned meeting for potential bidders at the landing on Tuesday, November 2nd at 9AM. Committee members are invited to attend.

The town has borrowed the funds for the project and is holding them in an interest bearing account.

It was moved and seconded to transfer \$10,000 to the Self Insurance and Floats Replacement Reserve Account. Discussion followed. The motion was approved unanimously

Potential changes to the Harbor Ordinance were discussed. Several ideas were considered. Decision was postponed to next month.

The chair reminded the Committee that there would be an Appeal hearing on 10/21 at the Town House. Members were reminded that they should review the exhibits each has received and the chair distributed counter arguments from the parties to the appeal.

Frank Peasley, Don Condon, Mark Shaughnessy

Others in attendance: Debrae Bishop, Harbormaster

Minutes from the September 21, 2021 meeting were reviewed by the Committee and unanimously approved as written.

The Committee reviewed the financial statement for the month ended 9/30/2021. Discussion followed

The Harbormaster reported that she had sought a quote for a replacement for a worn float at Dodge's Point. The quote was not obtained. Will be available after the busy season. The harbormaster boat has been pulled for the season after experiencing a mechanical breakdown.

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It was moved and seconded to transfer \$10,000 to the Self Insurance and Floats Replacement Reserve Account. Discussion followed. The motion was approved unanimously

Potential changes to the Harbor Ordinance were discussed. Several ideas were considered. Decision was postponed to next month.

The chair reminded the Committee that there would be an Appeal hearing on 10/21 at the Town House. Members were reminded that they should review the exhibits each has received and the chair distributed counter arguments from the parties to the appeal.

Minutes Brooksville Harbor Committee – September 30th, 2021

Members Present: Don Condon, Patrick Riley, Bob Vaughan, Frank Peasley, Bud Fisher, Chris Bates, Mark Shaughnessy

Others Present: Attorney Patrick Lyons

Unanimously voted to convene an executive session to discuss legal matters with Attorney Lyons. Chris Bates abstained due to potential conflict of interest.

Upon completion of the executive session the Committee voted to adjourn

Minutes - Brooksville Harbor Committee Meeting – September 21, 2021

Members Present: Bob Vaughan, Don Condon, Frank Peasley, Mark Shaughnessy

Others Present: Debrae Bishop, Harbormaster

Reviewed and unanimously approved minutes from the August 21, 2021 meeting

Reviewed and discussed financial statements as of August 31, 2021

Harbormaster Report

Harbormaster reported that some floats at Dodge's Point may need to be replaced

- Committee asked the harbormaster to seek quotes for cost of replacement
- Committee suggested that we establish standards for dock construction e.g marine grade CCA

Harbormaster reported that many of the rental moorings in Buck's Harbor still do not have maximum vessel size markings

Mark Shaughnessy updated the committee on the Betsy's Cove project with notes from Bud Fisher who was unable to attend.

- Dan Loring of MDOT will transmit some minor comments and changes to Andrew McCullough this coming week
- Dan indicated that he is still waiting for confirmation from a division of MDOT regarding the specifications for paving (4 inches or 3 inches of pavement)
- He was reminded that we are anxious to get the bid advertised by the end of September with a contractor chosen by the end of October. 3 weeks is the standard time for the bids to be open. Dan felt this timeline was feasible.

Possible changes to the Ordinance were discussed. Because of the low attendance a proposal for new language was tabled until next month.

The chair updated the committee on the Freedom of information request and appeal of the Harbormaster's enforcement letter of July 29th,

- The Town complied with Buck's Harbor Marina's Freedom of Information (FOIA) request
 - An additional FOIA request has been received and is being complied with
- The Town has retained an attorney for the Harbormaster and an attorney for the Harbor Committee
- Tentative date to hear the appeal is currently October 7th
- The attorney for the Harbor Committee has proposed an executive session of the Committee on September 30th to discuss the Committee's responsibilities in the Appeals process

Meeting adjourned

Minutes - Brooksville Harbor Committee Meeting – August 21, 2021

Members Present: Bob Vaughan, Bud Fisher, Don Condon, Chris Bates, Patrick Ryan, Mark Shaughnessy

Others Present: Debrae Bishop, Harbormaster, Alison Snow

Reviewed and unanimously approved minutes from the July 20, 2021 meeting

Reviewed and discussed financial statements as of July 31, 2021

Alison Snow (resident) made a presentation regarding the commercial harvesting of seaweed taking place at the Dodge's Point Town Landing. The Committee listened to the presentation and asked questions for clarification. The Committee thanks Alison and the other members of her ad hoc group and will use the information presented in future decision making.

Bud Fisher updated the committee on the Betsy's Cove project. MDOT has indicated that state funding will be available in the 4th quarter of 2021. All bid documents are in the hands of the MDOT awaiting final review. The projected time line for bids is mid-October. Currently the plan is for construction to begin in late November with substantial completion by April 1. Paving would be completed by May 15th.

Possible changes to the ordinance were discussed. No decision was reached. Any changes would need to be forwarded to the Ordinance Review committee by October.

The Harbormaster sent an enforcement letter to Buck's Harbor Marine on July 29th. The letter was signed for on August 2nd. The Harbormaster reported that no additional action on the marking of mooring buoys as requested in the enforcement letter had been taken place as of August 20th. The Committee received a Freedom of Information request from Buck's Harbor Marine and the chair will meet with the Selectmen to discuss the Town's response tomorrow.

Meeting adjourned

Minutes 7/20/21 Harbor Committee Meeting

Members present: Bob Vaughan, Bud Fisher, Chris Bates, Mark Shaughnessy

Committee reviewed minutes to the June, 2021 meeting. Minutes unanimously accepted as written.

Financial Statements for June 30th were reviewed. Discussion followed.

Report on Department of Environmental Protection Approval

Mark Shaughnessy reported that the town has received approval for from the DEP for the Betsy's Cove reconstruction project

Report on SHIP/MDOT progress

Bud Fisher reported on his work with MDOT. The state has finalized the contract and it is ready for the Selectmen to sign if there is a positive vote by the town at the Special Town meeting on July 22nd

Ordinance review

A first draft of updated Ordinance language was discussed. This will be brought up again at next month's meeting when more members may be present.

Adjourn

Minutes 4/20/21 Harbor Committee Meeting

Members Present: (at the Town House) Bud Fisher, Frank Peasley, Don Condon, Chris Bates, Mark Shaughnessy, (via Zoom) Patrick Ryan

Others Present: Debrae Bishop, Harbormaster

Committee reviewed minutes to the March 20, 2021 meeting. Minutes unanimously accepted as written.

Financial Statements for March 31st were reviewed. Discussion followed.

Harbormaster report

Discussion of status of spring billings. Betsy Cove and Dodge's Points docks repaired. Betsy's Cove docks are in the water. Dodge's Point docks will launch in May. Spring cleanup (sand removal etc.) will take place shortly.

There are approximately 30 people on the waiting list for moorings in Buck's Harbor. The harbormaster expects to be able to accommodate some but not all. Harbormaster will begin the allocation process after all renewals are received.

Update on Betsy's Cove Wall

Submission for permit to DEP made on April 5th. Discussion.

Engineer expects to have final soil engineering report shortly. Final construction drawings should be ready in 4 to 6 weeks.

He expects to be on track with our schedule. He noted that he and others are swamped with projects as a year's worth of lost activity comes online. He is refusing new work until at least late fall because he is at capacity. We are lucky to be ahead of the curve.

No word yet on MDOT designation.

The Committee reviewed changes to the Comprehensive Plan's goals for the Marine Resources section. Committee is comfortable with the language in the current draft.

Committee discussed the mooring allocation rules in Buck's Harbor. Committee feels rules should be reviewed for potential update. Chris Bates will collect mooring allocation rules from other harbors in the region. He will present his findings at the next meeting.

Adjourn

Minutes Harbor Committee 3/16/2021

Members present: Patrick Ryan, Bob Vaughan, Bud Fisher, Chris Bates, Don Condon, Mark Shaughnessy

Others present: Debrae Bishop, Harbormaster

Minutes of the February 16th Committee meeting were reviewed and approved unanimously as written.

Members reviewed the Financial Statements as of February 28th, 2021. Discussion.

Harbormaster Report: Harbormaster informed the Committee that all billing for 2021 moorings would be mailed this week.

Chair updated Committee on progress with construction drawings per Andrew McCullough PE

Engineer should be ready to file for Department of Environmental Protection permit in 2 weeks

Engineer is looking at possibility of dredging up to 8' below current ground level at face of new retaining wall. This would address some of the concerns regarding access for fishing boats to parking lot. Answer soon.

Don Condon put forward a proposal to consider off-site parking options at Betsy's Cove. The owner of Condon's garage has expressed a willingness to allow paid parking on the Eastern side of the garage building. Consensus of Committee was that any paid parking agreements would need to be between the owner of parked vehicles and the owner of the parking space. The Committee discussed the current usage of the Community Center parking lot for off-site parking. Committee members will survey the parking and report back on possible expansion of the lot.

The Committee reviewed the goals in the current draft of the Marine Resources section of the Comprehensive Plan. Edits were discussed and agreed on. The chair agreed to send the proposed edits to the Comprehensive Planning Committee

The Committee voted to go into executive session to discuss personnel matters.

Upon resuming the regular meeting, the Committee voted unanimously to approve an increase of 5% to the Harbormaster's compensation. The proposed increase will be presented to the Selectmen for approval.

Minutes for Harbor Committee Meeting February 16, 2021. Held via Zoom

Members Present: Chris Bates, Bob Vaughan, Mark Shaughnessy, Frank Peasley, Patrick Ryan

Others Present: Harbormaster Debrae Bishop

Minutes of the January 19, 2021 meeting were reviewed and approved unanimously as written

The Committee reviewed the January Financial Statements. The Chair noted that the budget had changed slightly to reflect a slight change to the article related to town funding of the Harbor Committee in the Town warrant.

The Harbormaster reported on activities for January. A few unpaid fees from 2020 were paid in January. The Harbormaster is attempting to collect the few additional fees outstanding. Letter to be included with the application for mooring and dinghy permits for 2021 was discussed and the draft was approved.

The Committee discussed a recent letter received from a representative of the owner of Buck's Harbor Marine related to the potential sale of the Marina. The committee expressed interest in fact finding and agreed to send a letter to the Marina's representative seeking further information.

The Chair reported on the status of the Betsy's Cove retaining wall and parking lot construction

- The Town will vote on funding at a Special Town Meeting. The meeting will be scheduled after the engineer has obtained the necessary permits and solicited bids establishing the actual cost of the project.
- Weekly Packet reported on MDOT planned work – Betsy's Cove work was included. We are waiting for a Project number from MDOT
- Andrew McCullough PE is continuing to work on construction drawings and permitting. The committee discussed the usability of a 50 foot section of the retaining wall being designed to allow dredging up to the face. Committee felt that 50' would be the minimum length that would be useful, more would be better but 50' would work.
- Other Business

Harbor Committee Minutes 1-19-2021, 6:00PM

Members Present – Bob Vaughan, Chris Bates, Don Condon, Frank Peasley, Mark Shaughnessy

Others Present – Debrae Bishop, Harbormaster

Minutes of the December 15, 2020 meeting were reviewed and approved unanimously.

Final budget for 2021 was circulated and discussed.

In Bud Fisher's absence the chair described Bud's recent conversation with the Maine DOT regarding the SHIP grant. The MDOT has included the Betsy Cove Seawall Project in the current budget. They will assign the project a number and a project manager in the next few months.

The harbormaster circulated a draft letter to be sent to owners of commercial moorings. The harbormaster also updated the committee on past due mooring fees, waiting lists for moorings and other administrative activities.

The chair updated the committee on the selectmen's approval of the changes to the Harbor Ordinance Appendices voted on by the Committee in December. The chair also updated the Committee on his (and Bob Vaughan's) meeting with the budget and advisory committee.

The meeting adjourned at 6:45PM

Harbor Committee Minutes – 12-15-2020 – Via Zoom

Members Present: Frank Peasley, Bob Vaughan, Bud Fisher, Pat Ryan, Mark Shaughnessy, Chris Bates

Others Present: Harbormaster Debrae Bishop

Meeting called to order at 6:00PM

Minutes of the November 17th meeting were reviewed and approved by a unanimous vote

Committee reviewed and discussed the financial statements as of November 30th, 2020. The chair reported on his meeting with the selectmen and their request that the committee discuss recent legal fees with the Budget and Advisory Committee.

Committee reviewed 1st draft of 2021 budget. Chair asked for written comments and suggestions from the members to be forwarded to him.

The Committee reviewed answers to questions which were submitted to Andrew McCullough, the Civil Engineer for the Betsy's Cove project. After reviewing the answers, the committee had some additional questions for Andrew relative to the estimated life of the various construction options. The Chair will request answers and relay those answers to the committee members.

It was moved and seconded -*To authorize the chair to propose a construction concept plan to the selectmen based on a consensus of committee members.* The motion passed unanimously.

The chair provided the Committee a copy of a letter recently sent to Buck's Harbor Marine regarding Mooring 26. Discussion followed

The harbormaster reported on possibility of extending Dodge's Point floats. The possibility of a ramp donation to assist with that extension was not available as a potential donated ramp is not suitable. Cost of extension with a new ramp was deemed too high for the limited amount of extra tidal access which would be provided.

A copy of the proposed fees (Appendix IV of the ordinance) for 2021 was circulated. After discussion, the proposed fees were approved by a unanimous vote. The chair will submit the schedule of fees to the selectmen for their approval.

A draft of the Harbor Committee annual report to appear in the Town Report was circulated. No changes were suggested.

Chris Bates and Bud Fisher's terms on the Harbor Committee expire in March of 2021. Bud has agreed to continue to serve. Chris will consider and let the committee know by February.

Meeting adjourned at 7:20PM

Minutes to Harbor Committee Meeting November 17, 2020

Meeting conducted via Zoom, Called to order at 6:00PM

Members Present – Frank Peasley, Bob Vaughan, Don Condon, Bud Fisher, Pat Ryan, Chris Bates, Mark Shaughnessy

Others Present – Harbormaster Debrae Bishop, Andrew McCullough PE

Andrew McCullough addressed the committee regarding options for reconstructing the retaining wall and parking lot at Betsy's Cove. Andrew gave a brief overview of the possible construction methods and answered the committee members questions regarding construction details.

Minutes of the October 20, 2020 meeting were reviewed and approved unanimously

Financial results as of October 31 were reviewed. Discussion of the legal fees incurred followed. Committee requested that chair discuss responsibility for legal fees with selectmen. The chair highlighted the receipt of a grant from Maine Department of Marine Resources and the use of that grant to fund preliminary engineering for Betsy's Cove reconstruction.

The harbormaster updated the committee on the status of the consent agreement with Buck's Harbor Marine. She also described her review of the possibility of extending the floats at Dodge's Point.

Committee discussed the need to update the Appendix to the Harbor Ordinance related to fines. The chair will bring draft language to the Committee next month.

Committee discussed the information provided by Andrew McCullough. There was consensus that more information was needed. Bob Vaughan agreed to prepare a set of questions to be delivered to Andrew McCullough. The answers to the questions will be reviewed at the next meeting.

Bud Fisher described the current status of our application for a SHIP grant from the Maine Department of Transportation

Meeting adjourned at 7:30PM

Minutes Harbor Committee October 20, 2020

Called to order at 6:00PM

Minutes for September 15, 2020 Meeting reviewed and approved unanimously

Minutes for the Appeals hearing on September 29, 2020 reviewed and approved unanimously

Financial statements as of September 30th reviewed and discussed

Harbormaster reported on activities since last meeting.

- 1) Implementation of consent agreement agreed to at the September 29th Appeals hearing
- 2) New mooring applications
- 3) Removal of floats at Dodge's Point and Betsy's Cove
 - a. Discussion of leaving Betsy's Cove docks in until early December to facilitate commercial use. Committee agreed that would be beneficial.

Discussion of new estimates received from Andrew McCullough for retaining wall re-construction at Betsy's Cove landing. After review, committee decided they would like to discuss the options with Andrew at the next meeting. The chair indicated he would try to arrange for Andrew to attend the next meeting.

A citizen's suggestion that the Dodge's Point floats be extended to provide access for a longer period between low tides. The committee asked the harbormaster to look into options and report back to the committee.

The committee adjourned at 7:20PM

Minutes Harbor Committee October 7, 2020

Appeal of Harbormaster's 8-10-2020 decision

Harbor Committee members present:

Mark Shaughnessy Chair, Chris Bates, Frank Peasley, Don Condon, Robert Fisher, Pat Ryan & Robert Vaughan, Debrae Bishop Harbormaster

Attorneys Patrick Lyons and Stephen Wagner

John Buck, John Gray & Amber Bakeman

Harbor Committee opened the meeting and voted to go into executive session to consult legal counsel.

Committee and Attorney Lyons end executive session, begin hearing at 7:25pm.

Consent Agreement proposal received from John Buck/Marina:

Mr. Buck continues to inspect his rental moorings with oversight and signoff of a second approved inspector. Effective until June 30, 2021. Failure to comply will warrant reconsideration of Mr. Buck's approved mooring status.

Mooring #26 "came with the Marina" no record on file with Harbormaster. If licensed by Army Corps of Engineers it will be permitted to remain and John Buck/Marina can apply for it. If not licensed by Army Corps it will be removed.

Mr. Buck requested a letter be sent to previous recipients to update them on the outcome of this hearing.

Motion to approve Consent Agreement seconded, no discussion, approved unanimously by a show of hands and signed by Mr. Buck, the Harbormaster and the Harbor Committee. Meeting adjourned @ 9:30pm.

Minutes taken/submitted by Brooksville Town Clerk Amber Bakeman Oct. 7, 2020

Harbor Committee minutes 9/15/2020

Minutes from 8/8/2020 meeting were reviewed, discussion followed. Minutes were approved unanimously

It was moved, seconded and approved unanimously that all actions taken at the 8/8/2020 Harbor Committee meeting are approved

Review of financial statements as of 8/31/2020

Bud Fisher discussed the \$29,750 DMR grant for construction drawings that was recently awarded to the Town.

Preliminary construction plan and drawings from Andrew McCullough PE were reviewed and discussed by the committee. The estimated cost is significantly higher than earlier estimates. Andrew is pursuing other options to potentially reduce the cost of the re-build. We hope to have additional information for our October meeting.

Bud Fisher reported that a SHIP grant application for construction assistance has been filed with MDOT. He also reported that we are in the queue for funding of this grant for 2022 although it might be approved for late in 2021

The chair announced that the Appeal of harbormaster enforcement action with BHM will be at 7:00PM on October 29th. Committee will meet in executive session at 6:30PM with town's attorney.

Harbor Committee meeting minutes 8-8-2020, 6:00PM

Members present: Don Condon, Bob Vaughan, Chris Bates, Patrick Ryan, Mark Shaughnessy, Frank Peasley

Reviewed and approved minutes from 7-21-2020 meeting unanimously

Reviewed 7-31-2020 financials – Discussed financials including harbormaster report on mooring and dinghy fee collections. Overall operating as planned.

Agreed to move the planned \$10,000 from the operating account to the Self insurance and dock replacement reserve account at this time

Harbormaster reported on a mooring dragging incident in the recent storm (8/4) and outlined her plan for enforcement of the ordinance. Applicable ordinance sections were reviewed and discussed. The committee expressed general support for the harbormaster in the circumstances surrounding the incident of August 4th.

Report from the soil testing and engineering firm Geocomp was circulated. Discussion of the report and its potential impact on the reconstruction of the sea wall at Betsy's Cove followed.

Chair reported on the DMR grant proposal prepared by Bud Fisher for construction planning at Betsy's Cove indicating that he expected to hear regarding the award before the end of August

A request from the Maine Harbormaster's association for participation in a new app for safety was discussed and harbormaster said she would evaluate its usefulness in Brooksville.

Meeting was adjourned at 7:05PM

Minutes Harbor Committee 7-21-2020

Members Present: Don Condon, Bud Fisher, Pat Ryan, Chris Bates, Frank Peasley, Mark Shaughnessy

Others: Debrae Bishop, Harbormaster

Minutes of June 6/16/20 meeting reviewed and approved unanimously

Financials as of 6/30/20 reviewed and discussed. Some major payers have paid in July so are not included in June revenue.

Harbormaster report

Discussed mooring situation in Buck's.

Decision to sell tackle from unused town mooring in shallow part of Lem's Cove and offer the mooring location to shoreland owner.

Other moorings have been shifted to accommodate various needs. Everyone desiring a mooring has been accommodated.

Discussion of private float repairs on Betsy's Cove shingle.

Some concern about parking at BC landing. Harbormaster will ask highway department to install no parking sign at top of pier so that ramp is not blocked.

Owner of abandoned canoe identified as UMO. They will pick up from harbormaster.

Update on grant applications

Planning grant for preplanning should be complete by July 30. Engineer to prepare planning documents for SHIP grant application as soon as possible after that date.

No bill yet from Geocomp for soil testing for parking lot wall. Bill is expected to be about \$10,000

Grant for construction plans has been filed. Grant winners will be announced in mid August

Update on ACOE environmental and disposal of spoils approval

Discussion of ACOE approval for dredging plan. ACOE has no funds available currently as Washington has not released any funds for new navigational projects. Brooksville is the third on the list for a feasibility study by ACOE but no estimate of when that might take place can be made at this time. Committee discussed seeking Maine DEP approval for project so that the town could fund the dredging project on its own. The committee decided to table that idea until further information was available regarding federal help.

Selectmen will maintain control and oversight of Bakeman's Beach

Selectmen approved new rules for Wharf Road and they are posted at the landing

Adjourned at 7PM

Brooksville Harbor Committee

Members Present: Don Condon, Frank Peasley, Bud Fisher, Chris Bates, Mark Shaughnessy

Also Present: Debrae Bishop, Harbormaster

Minutes of 6-16-20 Harbor Committee meeting

Minutes of the May Harbor Committee meeting were reviewed and approved unanimously

The financial statements as of May 31st, 2020 were reviewed by the committee.

Harbormaster's report:

- The harbormaster reported that she had visited all mooring areas in the town recently and inspected moorings. Many boats are not in the water yet. She has received communications from some mooring holders indicating they will not be launching boats this year.
- Buck's Harbor is starting to fill up. She is working to accommodate the applications for new moorings and believes she will be able to do so. Major mooring holders MMA and BHM paid their mooring fess in June
- She is working to collect fees from a few Buck's Harbor mooring holders who are delinquent.
- The owner of the "abandoned" skiff at Bagaduce Falls has registered the skiff
- The "abandoned" canoe at South Wharf Road will be removed by the harbormaster using the procedures described in the ordinance. This will take place after the landing rules are posted at the South Wharf Road landing

Soil testing at Betsy's Cove - Soil testing results are still not complete. Soil is deemed "marginally" stable and the engineers are looking at other foundation options

Mark reported that the Army Corp is working on reviewing our environmental application. He has received several calls from the reviewer looking for additional information. He was able to provide all the requested information.

Grant information

A planning grant for engineering work to prepare preliminary plans for submittal to DOT in support of a SHIP grant was filed with Maine Department of Marine Resources for \$4,650. The award is expected to be announced on July 15th

A planning grant for final construction and engineering drawings for the new wall was filed with the Maine Department of Marine Resources in the amount of \$29,750. The expected award date is August 15th.

Chair will meet with the Selectmen on June 17th to seek their approval for the proposed changes to the rules for South Wharf Road. He will also discuss the above grant applications and Bakeman Beach

The harbormaster will obtain and install a sign cabinet similar to the ones at the other landings for South Wharf Road

Adjourned at 7:00PM

Minutes Harbor Committee meeting 5/19/2020

Please welcome new committee member Frank Peasley

Discussed and approved minutes for 4/21/2020 meeting unanimously

Harbormaster reported on current events

- Possible abandoned dinghies at Wharf Road
- New Applications for moorings in Buck's harbor
 - After discussion she believes she will be able to find room for the new applicants based on current mooring holders who are cancelling
- Collections continue to come in. Working with delinquent Buck's Harbor mooring owners
- Parking lots at all landings have been swept
- Dock's are in at Dodge's and Betsy's Cove. Ramp at Dodge's should be in a few days.

Financial statements for April 30th were reviewed. It was noted that the bill for environmental testing of \$26,894 had been paid. The chair reported that no bill for the soil testing has been received. It is expected to be \$10K +/-

Additional stability calculations are being done. Two possibilities. If the stability tests come back with favorable information we may be able to do a shallow foundation and have a stable long lasting wall. Otherwise we would have to anchor the wall to the bedrock/ledge. This will require an additional \$50,000+/- in construction costs.

The Army Corp has the environmental report and has been in contact with the chair with a variety of questions.

Minutes

Harbor Committee meeting 4/21/2020 – Convened remotely using Zoom

Members present: Bob Vaughan, Don Condon, Bud Fisher, Chris Bates, Pat Ryan, Mark Shaughnessy

Others Present: Harbormaster Debrae Bishop

Discuss and approve minutes for 3-17-2020 meeting. Approved unanimously

Financials for 3/31/20 – Bills went out March 15th significant payments received through March 31. Discussion. Debrae reported continuing receipts in early April

Betsy Cove Docks in. Repairs to docks to be done in place by Sparky Clifford. The launching of Dodge's Point Docks will be managed by Richard Bakeman as in the past.

Soil testing completed on Betsy's Cove wall on 3-13-2020. Results expected by the end of April. Discussion.,

Results of Environmental testing for Army Corp dredging. You received report. Normandeau interpreted the report as a clean bill of health for the Cove. None of the samples exceeded the Army Corp's minimum levels for chemicals and other contaminants. The report has been submitted to the North Eastern District of the Army Corp of Engineers for their analysis. Discussion

\$27,000 bill to Normandeau received and being held pending final analysis of results.

We expect \$9,500 bill for drill testing for wall. I have agreed to pay partial bill for drilling prior to receiving lab results.

Frank Peasley has accepted the offer to join the Harbor Committee filling Ed Black's position.

Minutes

Harbor Committee Meeting 3/17/20

Conducted via Email

1. Minutes of 2/18/20 meeting approved as attached
2. New Harbormaster hire – Debrae Bishop has accepted our offer of the position of Harbormaster subject to the selectmen's approval. The selectmen have been informed and will vote on Wednesday of this week.
3. Normadeau completed the sampling in Betsy's Cove on 3/3. We expect to hear the results soon. The chair will email the info to the committee as soon as it is received. I spoke to them today and they expect the results within a week.
4. Bud (and others) met with the Army Corp and MDOT later the same week. Bud sent you a report of those meetings in a separate email.
5. Buck's Harbor Marine has changed their fees and regulations for use of their floats for fishermen and other dinghy users. Many of you have already seen this. I have attached a copy of the letter from Jon Buck. This change may have a serious impact on fishermen who use the facility year round and fishermen and recreational boaters who use the BHM in the summer.
6. We solicited bids for the testing of the Betsy's Cove soil for the wall. The bids received are attached. Geocomp bid \$9,500, S.W.Cole bid \$14,900. No other bids were received. Committee voted unanimously to accept the low bid for soil testing
7. Ed Black has decided to give up his seat on the committee. Ed has served on the Harbor Committee since it was created and has been an integral part of the organization. We all appreciate his service. I will be in touch with each of you by phone to discuss replacing (hard to do) Ed.