

CITY OF PORT WASHINGTON  
HARBOR COMMISSION MEETING  
Monday November 8, 2010, 7:00 P.M.  
City Hall, Lower Level Conference Room

Members Present

Jerry Gruen, Sue Knauer, Ralph Hess, Frank Metz, Jerry Baganz, and Dan Herlache

Others Present

Harbor Master Dennis Cherny

City Administrator Mark Grams

1. **Roll Call: (Absent: David Larson)**

2. **Approve Minutes Of Previous Meeting**

**Frank Metz made a motion to approve minutes as written and Ralph Hess seconded. Motion carried.**

3. **Monthly Financial Report**

City Administrator Mark Grams said that we are getting close to the final numbers. Not much revenue coming in and just looking at utilities and salaries on the expenditure side. After the contribution to the Rescue Boat, City Administrator Grams said we are looking at a net profit of \$150,000. Ralph Hess questioned as to why the supply budget is so high. Harbor Master Cherny said he would look into it.

4. **Approve Paying A Portion Of The Final Payment For Marina Floating Pier Project**

City Administrator Grams said that as of now we are with holding approximately \$21,000 of the final payment on the floating pier project. Roughly \$15,000 of that amount is final payment to Petro Chem for the fuel system. Commission member Frank Metz said that he would like to continue to hold at least the remaining \$15,000 for Petro Chem until we know that the system is working properly when we open up in spring. **Frank Metz made a motion to pay \$6,750 on the project, withholding the \$15,000 payment to Petro Chem and Dan Herlache seconded. Motion Carried.**

5. **Discuss Marina Tenant Doing Fishing Charters In Main Marina In Violation Of Marina Rules And Regulations**

Harbormaster Cherny said that marina tenant Vern Forman violated the Marina Rules and Regulations by chartering out of the Main Marina. A letter was sent advising him of this and he had 20 days to appeal decision and this is within that time period he said.

Attorney Steven Cain, representing Vern Forman, said that the citation issued by the DNR was dismissed. Vern Forman denies that the May 22<sup>nd</sup> incident was a charter. That he was in fact taking out a veterans group. No money ever exchanged hands he said. Commission member Dan Herlache said that he believed they wouldn't have cited him had there not been witnesses. Commission member Jerry Baganz added that the DNR reports state that it was a charter, but due to legal actions taken, the case was dismissed.

Mr. Cain said that Vern should have been notified the first time this was brought up to the Harbor Commission in October before the letter was sent. According to him Vern is not getting what the enforcement of the Rules and Regulations for the Marina states. He should be getting a judicial hearing where witnesses come forward to testify in a public setting.

The Commission would like to look over all of the DNR's documentation on this case before rendering its decision, which they will make within the 10 day limit.

Mr. Cain believes that the decision needs to be made tonight in order to be in the proper time frame. City Administrator Grams agrees that the Commission has 10 days to make its decision.

**Dan Herlache made a motion acknowledging Mr. Cain and Mr. Forman's appeal regarding Mr. Forman's slip contract. A decision will be rendered within ten days when all parties can be heard. Jerry Baganz seconded. Motion Carried**

6. **Mooring Of Cruise Ships In Marina**

Harbormaster Cherny mentioned that originally the cruise ships were planning on being here from October 15<sup>th</sup> thru April 15<sup>th</sup>, Promoting Port Washington and the fact that they were going to be here. But, due to the nice weather, the Foxy Lady joined the Harbor Lady in Sturgeon Bay to run cruises. They then mentioned that they would be heading to Milwaukee for a couple of weeks the end of October, but would stop and fuel up here on their way down. They did go to Milwaukee, but never stopped for fuel. According to their website they plan on being in Milwaukee until the middle of December. They are promoting Milwaukee and there is no mention of them coming to Port Washington or wintering here. Harbormaster Cherny feels that they are not holding up their end of the deal.

City Administrator Grams now believes that they just want a freebee from Port Washington. He is suggesting that we now charge them a fee for wintering here. Commission members agree that they should now have to pay electrical fees as well as a storage fee of up to \$2,500 per boat and to make sure that the agreement is in writing.

7. **Harbormaster's Report**

Harbor Master Cherny said that winterizing went well with the decent weather. The ice-eaters are all in and he is painting some of the remaining pilings to get them finished.

8. **Marina Tenants' Comments**

No Comments.

9. **Any Other Business That May Come Properly Before The Commission**

No Comments.

10. **Adjournment**

**Ralph Hess made a motion to adjourn the meeting at 7:40 p.m. and Sue Knauer seconded. Motion carried.**