

# TOWN OF PROVINCETOWN

## HARBOR COMMITTEE

### MEETING MINUTES OF JULY 19, 2000

#### Meeting Held in Town Hall

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**Members Present:** Joyce Guide (Chair), Al Davis, Carla Anderson, Rex McKinsey

**Members Absent:** None

**Others Present:** David Ditacchio (Harbormaster), David Guertin (DPW Director), Chad DeLima (Assistant Harbormaster), Rachel Crosby (Recording Secretary)

#### REGULAR MEETING

Chair Joyce Guide called the meeting to order @ 7:01 P.M.

#### APPROVE MINUTES

**June 14, 2000 – Al Davis made a motion to approve as written, Rex McKinsey seconded and it was so voted, 4-0.**

#### DPW DIRECTOR PRESENTATION ON APPEAL OF MACMILLAN PIER CHAPTER 91 LICENSE -

Mr. Guertin reported that a resolution of issues had been reached with the appellants and distributed copies of the Articles of Agreement. Mr. Guertin said that the Articles of Agreement that had been worked out with the consent of the Court and had been signed by the appellants. Agreements included the building of a handicapped access ramp at the courtesy float. The Chapter 91 License should be in the Town's possession within a week. Mr. Guertin explained the expected sequence of events following the award of the license and said he expected to award a construction contract within a month and a half. The Committee and Mr. Guertin discussed the configuration and estimated cost of the new handicapped ramp. Mr. Guertin answered several questions concerning details of the Articles of Agreement, including the wave barrier and dredging. Mr. Guertin confirmed that this Chapter 91 License and the Articles of Agreement only apply to the areas of concern as shown on the Pier Project plans as bid upon by AGM.

The Committee discussed the fact that other groups may have issues needing resolution in the future. From the audience, Ms Billig commented that a switchback handicap ramp would make it difficult to unload heavy items at the courtesy float. Mr. Guertin replied that he anticipated that there would also be a more direct, straight-line ramp.

David Ditacchio raised issues relative to the dredging and contaminated soil between the piers, stating that these were concerns that needed to be addressed in the near future. Mr. Ditacchio will write up his concerns for an agenda item at a future meeting.

#### NEW BUSINESS

1. Atlantic Bluefin Tuna Holding Pen Project – Mr. Fitzpatrick, Joe Vinagre, and Attorney Henchy appeared to present the project. Joyce Guide referred to a memo from Keith Bergman. Harbormaster David Ditacchio distributed copies of a memo he had written to Mr. Bergman. Mr. Fitzpatrick described the tuna aquaculture process worldwide and explained how the proposed project was different and better. Mr. Fitzpatrick explained why he could not locate the tuna pen anywhere else on the Cape. The proposed pen is 137 feet across at the surface. The footprint of the mooring system on the Harbor bottom would be much larger, however. Mr. Henchy explained that the waters around the pen would still be available for most public water uses (excluding anchoring). The perimeter of the pen will be marked with lights, buoys and radar reflectors. Mr. Fitzpatrick confirmed that off-duty personnel from either the Harbormaster's Office or the Police Department would guard the pen in a private boat 24 hours per day.

Mr. Fitzpatrick, in response to a question from Mr. Davis, explained the financial benefits to the Town and said he

would be willing to post a bond to pay for damages to the harbor, including the bottom. Mr. Fitzpatrick said the pen and the water therein would be subjected to continuous monitoring. He said that the tidal flow would reduce any problems created by tuna excrement and urine. Mr. Fitzpatrick explained why the proposed pen location was preferred. In response to a question from Joyce Guide, Mr. Fitzpatrick said his company had never done a project like this before.

The Committee and Mr. Fitzpatrick discussed alternative locations in the Harbor. Mr. Fitzpatrick said a seiner boat, approximately 80 feet in length, would be adjacent to the pen at all times. Mr. Fitzpatrick explained the size and frequency of boat traffic to and from the pen. Mr. Henchy said that governmental regulations required that a permitted vessel be involved and that the presence of the seiner satisfied the regulations.

The Committee discussed insurance and liability issues as well as user fees and potential rents that could be paid to the Town. Mr. Fitzpatrick proposed a fee of ten cents per pound of harvested tuna. Mr. Fitzpatrick estimated that, at ten cents per pound, full utilization of the pen could result in \$60,000 annually in revenue to the Town. Mr. Fitzpatrick confirmed that he hoped to have the pen in place this year. The pen would be removed in December to another location outside Provincetown.

Mr. Davis asked if the use permit could be granted on a year-to-year basis and Mr. Fitzpatrick confirmed that he would be willing to apply for a one-year permit. Mr. Henchy said he would prefer to see conditions in the permit requiring only annual review.

Al Davis left the meeting at 8:18 P.M.

Joyce Guide asked why Mr. Fitzpatrick had not brought the proposal to the Committee for approval sooner and said that she and the Committee felt pressured to make a decision on a recommendation in a short period of time. Mr. Henchy said that the local approvals required were from the Selectmen and the Harbormaster.

David Ditacchio left the meeting at 8:25 P.M.

Joyce Guide confirmed that the Committee needed to make a recommendation for consideration by the Selectmen. Mr. Henchy referred to a precedent fish pen that had been in the Harbor and also mentioned a letter of reference from Craig King. Mr. Fitzpatrick said that the pen dimensions were set, but that there could possibly be some reduction in the size of the mooring system. Assistant Harbormaster Chad DeLima said that he was in favor of the project.

The Committee discussed various details that needed to ironed out, but, by consensus, agreed that they are in agreement with the tuna pen project in concept. The Committee discussed how the letter of recommendation to the Selectmen would be written.

***Rex McKinsey moved to prepare a recommendation, including a list of concerns and issues, for the Selectmen to consider at their July 24, 2000 meeting, Carla Anderson seconded and it was so voted, 3-0, 1 absent (Al Davis).***

## **MEMBER REPORTS**

1. Eastern Rig Preservation Idea: Al Davis - postponed

## **OLD BUSINESS**

1. Dinghy Dock – Mr. McKinsey reported on the progress made toward marking a commercial-use-only section of the dock. Mr. Ditacchio has said he would arrange to have the markings painted on the dock. Chad DeLima said he believed that Mr. Ditacchio had asked DPW to paint the markings. ***Carla Anderson made a motion to direct the Marine Department have the last ten feet on the south side and the eastern end of the dinghy dock appropriately painted and signed for commercial use only within seven days, Joyce Guide seconded and it was so voted, 3-0, 1 absent (Al Davis).***

## **NEXT MEETING(S)**

The next meeting will be on Wednesday, August 16, 2000 at 7:00 P.M.

## **ADJOURNMENT**

***Carla Anderson moved to adjourn at 9:06 P.M. and it was so voted unanimously.***

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These minutes were approved by a vote of the Harbor Committee members at their meeting on

\_8/16\_\_\_\_\_, 2000

Respectfully Submitted:

Joyce Guide \_\_\_\_\_ Chair \_\_\_\_\_  
Harbor Committee Signature Title On-call secretary

\_\_\_\_\_ *Rachel T. Crosby.*