

TOWN OF PROVINCETOWN

HARBOR COMMITTEE

MEETING MINUTES OF SEPTEMBER 20, 2000

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Meeting Held in Town Hall

Members Present: Joyce Guide (Chair), Al Davis, Carla Anderson, Rex McKinsey, Sheila LaMontagne, Mel Cote (Alternate),

Members Absent: None

Others Present: Chad DeLima (Assistant Harbormaster), Stephan Nofield (Town Clerk), David Guertin (DPW Director), Rachel Crosby (Recording Secretary),

REGULAR MEETING

Chair Joyce Guide called the meeting to order @ 4:00 P.M.

Chair Joyce Guide explained that Mel Cote, as alternate member, could participate fully in discussions, but could not vote on motions unless one of the five regular members was absent or had to recuse themselves from a discussion/vote.

APPROVE MINUTES

September 6, 2000 – *Carla Anderson made a motion to approve with corrections, Sheila LaMontagne seconded and it was so voted, 5-0.*

DISCUSSION- CALENDAR OF FUTURE MEETING(S)

Joyce Guide suggested establishing a regular schedule of holding a meeting every other Wednesday at 4:00 P.M. Carla Anderson suggested meeting only once a month during June, July and August and asked if the Chapter 91 hearings would be incorporated into the regular meetings or held separately. The Committee discussed various options and decided by consensus:

- There will only be one meeting per month in June, July and August.
- Meetings during the months from October through April will be at 7:00 PM
- Meetings in May will be at 4:00 PM.

The next meeting will be on October 11, 2000 at 7:00 P.M.

DISCUSSION – HARBOR REGULATIONS (continued) –

- **Comments from Town Clerk Stephan Nofield** – Mr. Nofield suggested that the Committee consider establishing fee structures for commercial harbor uses like the proposed tuna holding pen. Mr. Nofield offered to help the Committee in establishing such a fee structure and to act as a liaison with Town Staff. Mr. Nofield confirmed that he was also interested in seeing the Committee add a section to the Harbor Regulations which would cover fish pens. In response to a question from Rex McKinsey, Stephan said that there was a way, via a Town Meeting vote, to have some or all of the fees devoted to harbor expenses and improvements. Carla Anderson suggested that regulation of aquaculture uses might be better handled in the regulations for similar aquaculture projects, such as those promulgated by the Shellfish Committee. The Committee and Mr. Nofield discussed the revenue/fee world that would exist after the Pier Management Corporation began operations. Mr. Davis said that he felt that such harbor uses should be voted upon by Town Meeting. Joyce Guide said that the Committee needed to gather much more information about the tuna holding pen as it would exist in Provincetown Harbor and how similar pens are currently working elsewhere. Mr. Nofield said that it would be

appropriate to ask Town Meeting to approve such harbor uses, but emphasized that he thought it important for the Committee to set commercial fees for such uses. Mr. Nofield said he would be willing to review the draft regulations/fees and to incorporate them into the existing Harbor Regulations. The Committee discussed the problem of how to determine an appropriate fee structure for a new use and whether other existing harbor uses are generating appropriate revenue to the Town. Carla Anderson suggested having a flexible regulation that would allow the Committee to negotiate a individual lease with each user.

- **Comments from DPW** – Mr. Guertin said that the Town should be sensitive to the needs of the fishermen during the Pier construction period (of approximately two years) and asked that the fishermen’s fees asked be maintained at their current level during this period.
- **General Discussion of Various Recommendations Received from Various Sources** –
 1. The Committee discussed how to handle several housekeeping changes needed to the Regulations, such as references to the non-existent Tee-section of the Pier and the fish space(s) and agreed that the Regulations would be changing radically after the Pier construction is finished and the Pier Management Corporation is established.
 2. *Carla Anderson moved to continue to use the term Harbormaster and the definition which is presently in use throughout the Regulations, Al Davis seconded and it was so voted, 5-0.*
 3. *Carla Anderson moved to remove all references to the Outer Tee section of the Pier, including those to fish space #2, from the Harbor Regulations, except for those in Appendix A, Al Davis seconded, and it was so voted, 3-1 (Joyce Guide), 1 abstain (Rex McKinsey).*
 4. *Sheila LaMontagne moved to delete (???) , Carla Anderson seconded, and it was so voted, 5-0.*
 5. *Joyce Guide moved to substitute in the Harbor Regulations all references to the Harbor Planning Committee with Harbor Committee pursuant to 1997 Annual Town Meeting Article #33, Al Davis seconded and it was so voted, 5-0.*
 6. *Carla Anderson moved to delete the wording of Section 1-5-2 and replace it with “The Harbormaster and Police Department may close the Pier to vehicular traffic if in their judgment such closing is required in the interest of public safety, _____ seconded and it was so voted, 5-0.*
 7. Joyce Guide referred to a vote taken by the Selectmen to change the Regulations concerning use of the dinghy dock. This change is already included in Marine Superintendent’s recommendations.
 8. Houseboats – the Committee discussed an email message from Dennis Ducsik of DEP concerning his opinion that houseboats are prohibited on tidelands (everything seaward of high water mark). Carla Anderson agreed to expand on this information before the Committee began its discussions.
 9. Joyce Guide read a communiqué from the granting authority which provided the funds for the Town’s Pumpout Boat, stating the limits on the Boat’s use.
 10. Deleting “boat pumpout facilities” from Section 2-7-1: concerning private mooring field providing access to pumpout facilities. This change is already included in Marine Superintendent’s recommendations. The Committee discussed what would happen if the Town’s Pumpout Boat were to break down for an extended period of time. By consensus, the Committee decided to leave this regulation unchanged.
 11. Regulation section 2-3-14: Concerning a dinghy used to access a primary mooring. Marine Superintendent has recommended eliminating the requirement to provide a sticker for the dinghy. The Committee discussed requiring that the mooring permit number be displayed on the dinghy. *Carla Anderson moved to reword Harbor Regulations Section 2-3-14 as follows: delete the second sentence and substitute “The dinghy owner shall place the mooring permit number on the stern in two inch high letters”, Al Davis seconded, and it was so voted, 5-0.*
 12. Sections 3-3-3, 3-3-4 and 3-3-5, concerning use of the yellow-stripe area of the skiff-dinghy dock. The Committee discussed Carla Anderson’s suggested rewording of these sections. *Al Davis moved to accept Carla Anderson’s rewording of Harbor Regulations Sections 3-3-3, 3-3-4 and 3-3-5, concerning use of the yellow-stripe area of the skiff-dinghy dock, Rex McKinsey seconded and it was so voted, 5-0.*
 13. The Committee discussed various recommended rewordings and revisions prepared by Carla Anderson and numbered these recommendations as follows:
 1. Section 1-3-4 – removed redundant language (per Carla Anderson’s recommendation)
 2. Section 1-5-7 – defining which vehicles shall be allowed to use the “Harbormaster/Police Parking Only” parking spaces on MacMillan Pier (per Carla Anderson’s recommendation).
 3. Section 1-8-2 – reworded for clarity (per Carla Anderson’s recommendation)
 4. Section 2-3-6 – revised to clarify transference of mooring permit if permit owner dies (per Carla Anderson’s recommendation).

Carla Anderson moved to accept items 1, 2, 3 and 4 be adopted as part of the proposed Harbor

Regulations, Sheila LaMontagne seconded and it was so voted, 5-0.

- **Comments from Newspaper Advertisement** – none were discussed.
- **Comments from Marine Superintendent** – incorporated above
- **Other Discussions by Harbor Committee members**
 - Section 1-5-8 – new section concerning Parking Enforcement on the Pier – discussion postponed until more information is obtained.
 - Article 5, section 1-5-1 – give authority to Harbormaster to prohibit casual vehicular traffic during Pier construction period – to be incorporated into a new section of the Regulations specific to the Pier construction.
 - Section 1-6-5 – concerning giving authority to Harbormaster to require the removal of floats, gangways, booths, etc. from the Pier during the construction period - to be incorporated into a new section of the Regulations specific to the Pier construction.
 - Section 2-3-7 – concerning mooring permit fees for non-profit organizations. To be researched by Harbormaster Office
 - Section 2-3-9 – question of defining the meaning of “substantially changed” to be researched by Harbormaster Office
 - Section 2-5-1 – concerning clarifying wording on discharge or spill of undesirable materials in the Harbor
 - References to Map C12-648 in Regulations – no one has been able to locate this map. Possible substitute Proposed Water Use Plan, Figure 8A and 8B of the Provincetown Harbor Plan. Need feedback from Marine Department.

OLD BUSINESS

1. **Chapter 91 Meeting of September 13, 2000** – refer to Carla Anderson written report.
2. **New Beach Signs: Status** – Al Davis reported that material for signs is being delivered. Actual signs will be completed shortly. Grant funds need to be expended by October 31, 2000.

NEW BUSINESS

- Sand sifting equipment demonstration will be this Friday, September 22, 2000 at Johnson Street beach.
- Rex McKinsey reported on the progress of the GPS Mapping Project.

ADJOURNMENT

Al Davis moved to adjourn at 5:55 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 \_\_\_\_\_,  
2000

Respectfully Submitted:

\_\_\_\_\_  
Harbor Committee Signature

\_\_\_\_\_  
Title

*Rachel T. Crosby.*  
On-call secretary