

TOWN OF PROVINCETOWN

HARBOR COMMITTEE

MEETING MINUTES OF OCTOBER 15, 2001

Meeting Held in Town Hall

Members Present: Rex McKinsey (Chair), Al Davis, Sheila LaMontagne, Joyce Guide, Jack Joyce

Members Absent: Mel Cote

Others Present: Keith Bergman (Town Manager), Rachel Crosby (Recording Secretary)

REGULAR MEETING

CALL TO ORDER: Chair Rex McKinsey called the meeting to order @ 5:00 P.M.

PERSONAL WATER CRAFT BAN CONSIDERATIONS

Mr. Bergman discussed briefly the status of the proposed ban on Personal Water Craft (PWC) in Provincetown Harbor and referred to his memo, dated October 15, 2001, to the Committee members with the subject "Proposed Meeting with Director Murray re: PWC By-law Amendment". In specific, Mr. Bergman discussed two options which will be discussed at a proposed meeting in late October with Colonel Richard Murray, the Director of the Division of Law Enforcement of the Department of Fisheries.

APPROVE MINUTES

July 10, 2001 – *Al Davis voted to approve the minutes, Joyce Guide seconded and it was so voted, 3-0, 2 abstain (Rex McKinsey, Jack Joyce).*

September 11, 2001 - *Al Davis voted to approve the minutes, Joyce Guide seconded and it was so voted, 4-0, 1 abstain (Jack Joyce).*

CHAPTER 91 DISCUSSION –

Public Statements

- Jim McGowan spoke about Chapter 91, objecting the several licensing requirements.
- Joseph Patrick spoke about the perception that the Harbor Committee is the entity that is determining the Chapter 91 requirements for Provincetown property owners. He also spoke about the State's requirement that property owners pay "rent" to the State for the use of harbor waterfront land.
- Heather Bruce spoke against the Chapter 91 requirements imposed by the State.
- Elena Hall also spoke against the Chapter 91 requirements, focusing on a proposed 10 foot wide boardwalk on the beach.
- Mr. McGowan said that he would like to see the Town bear the expenses of fighting the State's Chapter 91 requirements. He also asked to be provided with the signage requirements prepared by the Harbor Committee.

Committee Discussion

- Sign Specifications – the Committee discussed a document entitled "Specification Guide for Signage, Chapter 91 Residential and Commercial Properties Owners".
- Sheila presented the Committee with a draft letter to be sent to Magda Pavlok of the Massachusetts Department of Environmental Protection asking her to postpone negotiations on the conditions for licensing. Rex McKinsey confirmed that the Harbor Plan could be amended and brought to Town Meeting for approval. Joyce Guide reviewed her understanding of the Committee's role relative to the process of granting of Chapter 91 licenses. She confirmed that the Committee can approve/disapprove of many of the State's requirements by submitting its own set of recommendations. Joyce Guide suggested getting a property status report from Magda. Such a report would show, property-by-property, where each owner was in the licensing process. Rex McKinsey said that Magda has set up the next Chapter 91 meetings in Provincetown for November 15, 2001. The Committee will try and meet on that day so that Magda can be present.

Al Davis and the Committee discussed whether the Chapter 91 issues were too big for one individual and/or the Committee to adequately address.

Joyce Guide suggested getting Magda’s supervisor to meet with the Committee.

Several members of the public, including Madeline Carney, offered further comments on the unreasonableness of the Chapter 91 licensing requirements and/or process.

Mr. Joyce offered his perspective on Chapter 91, confirming that the State considers land on the waterside of the mean high water mark to be the property of the people of the Commonwealth and that, as such, that land must be readily and easily accessible to the people. Al Davis commented that the Supreme Court had ruled that the State was correct in its claim to the land.

Sheila repeated again the request that the Committee meet with Magda and go over the property status listing with her. The Committee then discussed Sheila’s proposed letter to Magda Pavlok, which requested a time extension on the negotiations on conditions for individual property owners. By consensus, the Committee agreed to give Rex McKinsey, as Chair of the Committee, authority to write a similar letter to Magda outlining the Committee’s concerns and including a request for a delay in the process. Also discussed was the question of whether the State would find a replacement for Magda while she was on maternity leave.

Joyce Guide said that the Committee’s role needed to be more clearly defined, as well as what Roger Diaz’s responsibilities are as the Town’s Chapter 91 liaison.

The Committee and the public discussed further the possibility that Town Counsel could get involved in advocating for property owners. The Committee also discussed in greater detail how they will, as a group and as individual members, accept responsibility and process for reviewing the Chapter 91 requirements for each property.

PIER CONSTRUCTION UPDATE

- Joyce Guide reported that the Pier Project is going well, though there have been a few issues relative to scheduling. The Whydah Museum is presenting some problems in that they want to continue to do business throughout the entire construction period. David Guertin may be forced to use the Whydah’s Chapter 91 license requirements as a bargaining chip in getting the property owners to cooperate. The seafood offloading facility and the Harbormaster’s Office will both be moved to facilitate construction progress.

WEST END DINGHY DOCK

- Rex McKinsey reviewed how the current floats had been installed and discussed the possibility of adding a gangway. He proposed a design for installing the gangway and said he would draw up a more definite plan for later consideration.

OLD BUSINESS –

- Rex McKinsey reported on a letter received from Americorp saying they are beginning consideration of the new round of proposed projects.

NEW BUSINESS –

- Rex McKinsey reported on a memo received from the new Health Inspector, Pat Pajaron, to Stetson Hall of the County Health Department concerning a request to increase the number of Harbor water samples regularly taken.
- Joyce Guide reported that Jim McGowan has asked to purchase of two of the ceramic tile signs designed by Al Davis and purchased by the Committee with grant funds. The Committee discussed how the tiles might be given out or sold. By consensus, the Committee decided to not give away or sell any of their own tiles.
- PWC Meeting with Colonel Murray – the Committee discussed the options reviewed by Mr. Bergman and Sheila LaMontagne, Joyce Guide and Rex McKinsey agreed to attend the meeting, which is to be scheduled for the week of October 29th..
- The members belatedly welcomed Jack Joyce as a new member of the Committee.

The next meeting is scheduled for November 15, 2001 at 5:00 P.M.

ADJOURNMENT

Rex McKinsey moved to adjourn at 7:00 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 \_\_\_\_\_, 200\_\_

Respectfully Submitted:

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Harbor Committee Signature

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Title

*Rachel T. Crosby,*  
On-call secretary