

**Public Hearing**  
**HARBOR COMMITTEE**  
**Wednesday September 28, 2005**  
**Judge Welsh Hearing Room**  
**Time: 4:30 pm**

**Members Present:** Kerry Adams, Alice Brock, Heather Bruce, Ann Colbourn, Mel Cote, and Gerard Irmer.

**Members Absent:** none

**Advisory Staff:** Rex McKinsey

The meeting was called to order at 4:30 p.m.

**AGENDA**

**Review/amend/approve minutes of 9/26**

It was decided unanimously by the committee that if these are official minutes they are not very complete. Alice said that there are a lot of differences in all of the Chapter 91 licenses. Heather made a point about businesses along the waterfront; no businesses have to pay if they can't provide beach access (even jewelry stores) since anything retail is considered a public benefit (even though it doesn't provide a benefit).

**Motion: The minutes were tabled until the next meeting on October 12<sup>th</sup>.**

**Motion by Kerry Adams    Seconded by Heather Bruce    Vote - unanimous.**

**Public Statements**

There were none.

**Unfinished Business:**

Kerry Adams wondered why (at the 9/26 meeting) the group of officials waited until the end of the meeting to announce what they needed to see in the Harbor Plan. Chapter 91 seemed to have the most problems. Heather has to do more research. She hasn't anything to hand out tonight on Chapter 91.

Jerry said that some amendments are going to change BUT any word changes have to go before town meeting. He knows, for example, that wording as it relates to the Schofield line has to change. To change something that has already been voted on is not easy. Jerry further said that if there are significant changes we have to have a public hearing anyway.

**Board of Health meeting results**

Ann Colbourn reported on the meeting with the BoH that she and Rex attended on September 15<sup>th</sup>. She did bring a list of things that she and Heather had brought up. Jane Evans, the Health Agent, was there and they talked about issues, i.e., septic overflows, water quality, etc. She and Rex learned that DNA testing (to determine origin of feces!) is very expensive. Rex told everyone that he is trying to arrange a combined meeting with related committees with presentations made by the DEP. The related groups would include the Harbor Committee, ConCom, Pier Corporation, and the Board of Health. At the BoH meeting where it was initially discussed, the group also thought it would be

valuable for Sandy Turner of the DPW to attend. The DEP group is anticipating commonwealth-wide testing of water and related estuaries. When the study is finished we will have a base line of problems and which areas are conducive to estuary health, etc. It seems as though the other committees all have the same feelings about working on related problems with no input from any other committees. The Seashore would also be involved. The Park Service has a testing program and they are willing to run the water tests for us if we pay for the supplies. Different tests would give us a set of numbers and they will show weather conditions, etc. so that a complete picture of pollution could be made. Then the HC could have a presentation about what the estuaries can do, i.e., areas where aquatic farming could be begun, etc.

Alice wondered if there were chemicals that we can test for, i.e. formaldehyde? Rex said that some boats don't use chemicals. Whale watch boats and the charter boats should be addressed, as well.

Ann suggested that if we can get outside funding to provide us with more information, then that would help solve the bacteria problem. Everyone is tired of finger pointing so we should be able to move forward and get more information.

Jerry Irmer said that before we go to the BoS - "Why don't we contact Michelle Jarusiewicz?" Bottom line..... how much are the supplies for testing? Kerry Adams said that we're all running around in circles. The presentation from the DEP should put an end to this and give everyone a common goal and the means to accomplish it.

Heather wanted to know if Ann asked about beach closing announcements being sent to the HC? Yes, the Health Agent will notify the HC in the future.

Heather's brother - had taken the Boston boat to Provincetown and when they were coming in there was an incredible smell of septage. Evidently a large boat had just dumped in the harbor at the end of the breakwater. This is illegal to do BUT..

Ann thought that something the HC can do - boats that have permits - can't we just require them to give reports monthly? They are going offshore beyond the 3 mile limit and dumping (which is legal). Kerry asked Rex what the holding capacity of the Whale Watch boats is? Rex replied "150-300 gallons." There was a bit more discussion on the use of the Pump Out boat and its unavailability for Commercial use. Relative to the Harbor testing plan, Kerry said, "This is our Baby and we should run with it, it is a Harbor issue and WE are the Harbor Committee!" All agreed.

Dollar information: pumping out the pump-out boat is \$100/each time; it holds 300 gallons.

Yet another large argument about the Provincia. When it was found out that Fishermen's Pier has a sewerage hook-up, the argument was defused.

The proposed date for Brian Dudley to come before the combined committees as aforementioned will be sometime in October. Stay tuned.....

### **New Business:**

#### **Review 2005 Amendments to the Harbor Plan status**

Heather began by saying she had a brief summary but it stretched on dramatically.

To summarize, she found that the Harbor Committee has been using the 1996 regs for the Chapter 91

findings and the state has been using some of the 1978 regs. Heather referred to her findings as a “huge revelation” and it truly was. She will research this issue further and report back to the committee at the October 12<sup>th</sup> meeting.

Heather says that the state has screwed up. (9.28) She encouraged everyone to just look at that number and read it under #4. She wants to call Truman Henson and explain this to him personally.

Everyone was asked to bring their 78 regs and 96 regs to the next meeting. Heather gave as her homework assignment: everyone go to 9.28 under 96 regs under #4 and every time you get to a reference #, follow it and it will become clear.

**Next meeting: October 12 at 4:30pm.**

**Adjournment took place at 5:45 p.m.**

Respectfully submitted,

*Evelyn Gaudiano*

Evelyn Rogers Gaudiano

**Approved by** \_\_\_\_\_ **on** \_\_\_\_\_, 2005.

**Gerard Irmer, Chair**