



## Harbor Committee

# Public Meeting

Wednesday, September 4, 2019

Provincetown Town Hall  
Caucus Hall Meeting Room  
260 Commercial Street

## Minutes

### **I. Meeting Called to Order at 5:00pm**

Members present: David Flattery, Chair; Susan Avellar; John Santos; Laura Ludwig. Excused: Elise Cozzi. Also: Jim Vincent, Ch. 91 Consultant; David Gardner, Acting Town Manager; Rex McKinsey, Harbormaster. Members of the public: Lory Santos, Shellfish Committee Chair; Will Buckley; Paul Benson, Banner reporter.

### **II. Chapter 91 Compliance Assistance Program update (Jim Vincent)**

This item was taken out of order to be able to spend more time on New Business.

Jim shared a draft letter which will be sent out to all property owners. Jim will attend the next HC meeting to share the inventory and finalize the draft letter. One year should be enough time for recipients to reply, respond, or request an extension. Responses from property owners may be directed to the Chair of the HC, town staff, or the consultant, to be determined soon.

When Jim met with DEP it was asked whether the state could fund a 3yr position to field the Ch. 91 questions and help process the permitting. Due to the value of having the town's Ch. 91 permits brought up to date, it is within the purview of our elected officials to recommend such funding. Jim will draft a letter that the committee and/or Select Board could send to the state reps and senators.

The BOH agent asked recently about public access points vis a vis WQ testing. The updated Ch. 91 list will increase those access points.

Jim's working on a procedure with town staff to simplify the permitting process to make a determination on how the property may require Ch.91 compliance. He distributed a draft

form that would be a cursory review (30-days) to assist the property owner with DEP requirements for compliance.

### **III. New Business - Harbormaster/Harbor Committee discussion w/ acting Town Manager David Gardner**

Rex is currently on administrative leave. There's to be a disciplinary hearing next week (9/10/19) that a representative of this committee has been invited to participate in.

Regarding a Harbor Committee Liaison, David F. reminded all that this is a volunteer committee which has worked hard on the Harbor Plan to assist the community. To have the PPC take actions without consulting the HC was disappointing. We'd like to prevent this from happening in the future. Without Rex's expertise and involvement, many ongoing activities are compromised.

David G. confirmed that the Harbormaster is the Staff Liaison to the HC. He agreed it is important for the committee to relay its concerns to the Select Board. Regardless of the staff position assigned to the HC, it is important for the committee to have the ability to represent the community and communicate w/ the town.

David F. stated that the committee lost its liaison with no warning, and to this day does not understand why Rex has been put on Admin leave. David G. said there's a process underway, which was initiated by the PPC. He specifically authorized Rex to continue to be involved with the ongoing tasks of the HC, which is why he was asked to attend this meeting.

Susan asked about the role of the Select Board vis a vis the Pier Corps. Harbor regulations are recommended by the HC, approved by the Select Board and overseen by the Harbormaster – all part of the committee's purview. John presented a draft motion to separate the Harbormaster's office and position from the Pier Corps, and request that the Harbormaster position directly report to the Town Manager.

It was moved by John Santos that, "Given that the HC has purview over harbor regulations and the Municipal Harbor Plan, we move to recommend to the Select Board to separate the Harbormaster's position and office [*Harbormaster Services*] from the PPC and that the management of the Harbor and Harbormaster position be overseen by Town Manager pursuant to the Town Charter." David Flattery seconded and all were in favor (4-0).

We will bring this motion directly to the SB. Part of the reason we are in the current situation is that the Harbormaster was responding directly to the Town Manager and too many tasks were assigned, resulting in overtaxing the Harbormaster. Rex distributed the report he was tasked with by the PPC, outlining the various jobs/tasks and roles he performed as "Harbormaster".

#### **IV. Review/amend/approve minutes**

Taken out of order. John moved to accept the minutes of 8/1/19 as written. Susan seconded and all were in favor.

#### **V. Public Statements**

Lory Santos repeated her concern about the ferry, whale watch and large pleasure craft creating wakes in the harbor. Her concerns are for the safety of tenders, launches, and shellfishermen. The shellfish committee members have been outspoken in their shared concern.

The PPC plans to present the results of a “stakeholder” meeting to the HC so that this committee can make a recommendation to the SB. The issue of re-routing the high-speed ferries was addressed by this committee earlier this year and a new route had been recommended by the Harbormaster. However, one or more of the ferry companies have disregarded the recommendation and resumed the earlier (more problematic) route.

#### **VI. Harbormaster Report**

N/A

#### **VII. Adjourn 6:08pm**

John moved to adjourn. Susan seconded, all in favor.

#### **Next HC meeting:**

TBA