

# Harbor Committee Public Meeting

Thursday, June 4, 2020, 5:00pm  
Remote phone meeting

## MINUTES

### **Meeting Called to Order at 5:02pm**

Members present: Laura Ludwig, Elise Cozzi, John Santos, David Flattery (Chair), Wendy Loughlin, Susan Avellar (Vice-chair). Staff: Rex McKinsey, Don German, Steve Wisbauer. Other attendees: Jim Vincent, consultant; Carlos Verde, Ginny Binder, PPPC; Jeff Souza, fisherman.

This meeting was moderated by Rex McKinsey and recorded in its entirety; these minutes are procedural (and habit).

Rex read language from the Agenda regarding the reason for the remote meeting format (COVID-19 pandemic).

- I. Review/amend/approve minutes from November 26, 2019, January 16 and 22, March 5, 2020. Wendy moved to approve them all as written; Elise seconded the motion. A roll call vote was taken and all were in favor of approving the minutes as written.

- II. Public Statements

Jeff Souza owns a lobster boat and an aquaculture boat, co-owned with his father. They recently learned that they were going to lose their slip at the pier due to interpretation of the Harbor Regulation 1-7-13 regarding commercial fishermen eligibility, an event that was recently featured in a newspaper article. He maintained that the wording is vague and leaves a lot of room for interpretation. The Division of Marine Fisheries issues commercial licenses which should be the determiner. The boat applies for the permit, not the individual. Jeff feels it is important for the Harbor Committee to define what a commercial fisherman is in the regulation, particularly if the issue goes to court.

- III. Member Statements (new feature of the meeting format)

Wendy commented that if the HC is truly as involved in slip appointment to the degree inferred by the article in the paper, we should be more involved with the process. However, if we are not involved with regulations in Chapter 1, we should move on. Susan reminded the committee that the Harbor Committee has no jurisdiction over Chapter 1 in the harbor regulations, only over Chapters 2 & 3. However, the committee is very sensitive to the importance of access for all fishermen.

Laura made a statement that during this time of great uncertainty it is very discouraging to hear that certain financial components of the regulations are being changed which negatively impact the individual(s) involved.

John made a point of order asking that David recuse himself, since he is a commercial fisherman with a boat at the pier. Susan, as vice-Chair, asked Carlos, as Pier Corps rep, for his input on the process for berth applications. Carlos reviewed the process of applications and selection process, which followed rules that have been in place for many years but were only revisited after the wave attenuator was installed.

John suggested this discussion should happen at a later date as it was not on the agenda and might require a more deliberate approach.

Susan requested that the meeting be turned back over to the chair.

#### IV. Marine Department Updates

##### Chapter 91 project update

Jim said the stalling of the entire process has been frustrating, but a recent call with DEP indicates things may be starting up again, including looking at existing licenses and seeing where they stand. The letter to property owners is still in preparation, with DEP input and with consideration of the pandemic the process was slowed. Odd-numbered properties on Commercial which come before the Building Commission are now flagged and generate more investigation of the permit status as part of their deliberation. DEP has reassured Jim that the work was just stalled, but it is prepared to progress. Public meetings and outreach events likely won't happen anytime soon due to COVID-19, so they are considering how to proceed, with Jim's input. Educating property owners is still a priority and he is optimistic about making progress.

Training the Harbor Committee is a critical part of the process, so that we are prepared for all the applications that come before us. Jim is prioritizing that component and will be in touch with us about that over the summer, sending us the training manual and soliciting our input as it is developed.

Rex reviewed the Masthead and Ryder St. enhancement project as properties subject to review through the Ch. 91 process.

##### Town Landing Signs and Expedition Blue grant

Town Mgr Craver has signed a commitment letter for our involvement w/ the installation over the coming winter at three town landings. They will be tied in with other town signs. Part of the advantage of the Expedition Blue way-finding is that it involves technology to invite the general public to learn more about the town.

##### Harbormaster updates

They are working to update the "hazard" signs to mark the rock hazards in the harbor along the beach. If weather allows they'll be installed this week.

All three vessels are up and running. The crane barge is still on the pier, because it was supposed to be cleaned up but that has been held up by COVID-19. Don has come up with a "COVID recommendation" sheet which he distributed to committee members regarding how marinas should operate, providing guidelines to keep marinas safe. He would like our feedback before distributing the information.

Regarding an order to implement the wake mitigation regulation that this committee was to present via public hearing, Don asked us to review the language he generated and provided to us, and encouraged the committee to support the order so he could share it with vessel operators this summer. Susan pointed out that a public hearing would be required before

the order was issued. Because of the amount of time has passed, the order will be re-posted for a public hearing when possible.

Laura asked for an update on posting the Harbormaster position. Don said that the position had been posted internally, and is now closed, and the Town Manager has appointed Don as the Harbormaster.

Shellfish Constable update (new feature of the meeting format)

Steve said he is happy to update this committee on anything we might be interested in and reviewed the numerous topics currently on his docket.

V. New Business - Next CZM grant and Harbor Access Gift Fund

The four outer Cape towns have been working on a grant application on shoreline protection and resiliency. There was already an MOA for sharing town resources, but this effort increased the collaboration on coastal erosion/accretion strategy, understanding the "littoral cells" which know no political boundaries. A database is being created to include all the towns' distinct properties that can then assist with resiliency strategy as well as public safety. Additionally, another application is being submitted for a "tool kit" to assist homeowners in protecting property. Rex said that it would be advantageous if the Harbor Access Gift Fund could support the application.

Wendy made the motion that the committee support the use of HAGF with an amount not to exceed \$5000 as a local match for the CZM grant application; Susan seconded the motion. A roll call vote was taken and the motion passed unanimously.

John pointed out that dredging sand between the two piers in the fairway needs to take place for safety. Rex said they are talking to Army Corps about whether the dredged sand could be used for resiliency needs (beach nourishment) rather than just be dumped in the compost pile.

VII. Old Business: n/a

Next (remote) meeting tentatively scheduled for June 18, 2020.

Laura moved to adjourn; Susan seconded the motion. Roll Call vote and it was unanimous. Phone disconnected at 6:20pm.