

Meeting Minutes

January 21, 2004

Members Present: Kerry Adams, Heather Bruce, Melville Cote, Gerard Irmer,

Members Absent: Beverly Dwyer Ormston,

Advisory Staff: Jon Gilmore

Harbor Master: Chris Flavell

Pier Manager: Rex McKinsey

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

Handouts were passed to all members including; list of committee members, annual report as compiled from past meetings; last weeks minutes; Harbor Plan Subcommittee amendments

AGENDA

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Review and approve minutes of January 7th and 14th, 2004

Although there was no discussion on the minutes, it was thought best by all to not discuss them without the member responsible for the minutes present.

Motion: Table discussion and review of minutes from January 14 and January 7th meetings as Beverly Dwyer Ormston was not present to revise them.

Chris Flavell seconded the motion and it was unanimously passed.

PUBLIC STATEMENTS

None

MEMBER STATEMENTS

None

NEW BUSINESS

Reports from Harbor Plan Subcommittee

Beverly, Jon, and Gerard made amendments to the Harbor Plan. They are now ready to present the plan to Truman Henson to review for next meeting.

In reviewing changes and issues the committee questioned if they could seek legal advise on Chapter 91 legal language. Gerard spoke with Ben Lynch, Acting Chief, Waterways Program, DEP in Boston, who said they had "nothing available" for legal aid to the town or committee, that they could aid individual claims further in the process. Heather Bruce emphasized the need for legal assistance in translating the complex Chapter 91 regulations and the committee agreed an inexpensive form of professional advice would be welcomed yet hard to find, and that advise may not be needed immediately.

Heather Bruce discussed her "Chapter 91 subcommittee recommendations for harbor plan amendments". Discussion was generated from the wording used and meanings implied by the document. Discussed at length were the consequences of which Mean High Water Mark to use when defining property boundaries. Heather Bruce discussed "as stated by State Regulations the Schofield Line is currently used, however a more accurate 1939 MHW is available and more accurately represents waterfront property lines before harbor-dredging affected them." The impacts of these discrepancies are the basis for property owners activism on the issue as emphasized by a bystander to the meeting, Jim McGowan, who stated "The town needs to defend property owners and not allow Chapter 91 to take away property rights by drawing a bad line."

Chris Flavel, although wanting action seen on improving the MHW delineation, suggested that "the way to solve this issue isn't through the Harbor Plan, because the Schofield Line is adopted by the State and our town regulations can not ignore that." It would be very easy to strike any language that amends the

Schofield Line from the Harbor Plan and that the State sees this as an individual issue, not a collective town issue.

Jon Gilmore suggested that they suggest to property owners to submit a petition article on the issue.

Rex McKinsey suggested to “serve a public records request for the original Schofield Line Report to find how they determined the line and then look for a flaw or a way to defend its position, and that may help to make the State change their regulations.”

The committee agreed legal assistance would be of great help in interpretation of these issues. And that they would keep the language about the MHWM Line in the amendment document.

Rex McKinsey and Chris Flavel left the meeting at 5:20pm to attend another meeting.

Heather Bruce continued with the discussion and raised the need for communication between State, Town and Residents on the billing and payment of Harbor Fund Fees, including clear justification for fines, and documentation of incoming fees by the Town and committee. A strong point was made to add to the document that the Harbor Committee should serve property owners with grievances instead of oversee all property owners' transactions.

HARBOR REGULATIONS: MOORING FEES

Gerard stated at a past meeting Rex McKinsey “felt we could not change mooring fees after they were approved by the Board of Selectmen. Bylaw 6-6-3 states: No fee can be changed more than once per calendar year. However we are in a new calendar year, so we can change our fees.”

Discount for multiple moorings?

**Motion moved by Heather Bruce: Not to provide any discount for multiple moorings.
Kerry Adams seconded the motion and it was passed unanimously**

Mooring increase tied to inflation?

**Motion moved by Heather Bruce: The mooring fee increase should be tied to inflation increase.
Melville Cote seconded the motion and it was passed unanimously.**

Truro resident same as Provincetown resident?

The topic was brought up and discussed. All agreed when qualifying residents for discounts there was a difference between commercial and private use and felt they needed more perspective on the definitions and usage of residents and non-residents before making decisions.

Motion moved by Kerry Adams: Table the item of whether Truro resident mooring fees should be the same as Provincetown resident mooring fees.

Heather Bruce seconded the motion and it was passed unanimously.

Senior Citizen discounts?

Gerard presented a letter from Bob White who “believed that Senior Citizens over the age of 70 should have free mooring, as they already receive free licenses to hunt, park, and fish.” Kerry suggested a senior citizen discount would be a sign of good will.

Motion moved by Kerry Adams: Approve Senior Citizen discount for mooring fees.

Melville Cote seconded the motion and it was passed unanimously.

Alice Brock and Melville Cote wanted to keep the discount consistent with price and age to other Provincetown fees, for example that it is free to park at age 62, and free to clam at age 65.

Motion moved by Kerry Adams: Senior Citizens 65 years and older will pay 50% less of their individual mooring fee.

Melville Cote seconded the motion and it was passed unanimously.

HARBOR PLAN REVISION SUMMARY FOR TRUMAN HENSON, CZM

It was decided to email Chris Flavel will all amendments by the committee in a timely fashion and he would review them and pass them on.

ANY BUSINESS THAT SHALL PROPERLY COME BEFORE THE BOARD

None

DISCUSS REPORT FROM HARBOR COMMITTEE FOR TOWN REPORT

Heather Bruce discussed some specific wording of the proposed report and suggested adding a line of language that was refined to "Some content is unwelcome and inappropriate to Provincetown Harbor and the committee wants to work to change that."

The document will be forwarded to the Town Clerk.

Motion moved by Melville Cote to accept the annual report as appended.

Kerry Adams seconded the motion and it was passed unanimously.

OLD BUSINESS

Americorps-Cape Cod Volunteer research projects – William P Shepa Jr.

William Shepa was absent; there was no further discussion.

TIME AND DATE OF NEXT MEETING

Monday January 26th, 2004 at 4:30 p.m. in the Caucus Hall at 260 Commercial Street, Provincetown.

Wednesday February 4th was set as the date of the following meeting.

Motion moved by Kerry Adams: Adjourn Harbor Committee Meeting of January 21, 2004.

Heather Bruce seconded the motion and it passed unanimously.

The meeting was adjourned at 6:00 p.m.

Respectfully Submitted,

Alison Boutin

Approved by *GJ* on *Feb 18* , 2004.
Gerard Irmer, Chariman