

## MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

JANUARY 23, 2007

A Meeting of the Waterways Management Committee was duly called and held on Tuesday, January 23, 2007 at 7:00 p.m. The meeting was called to order by the Chairman, Roger Race. The following people were present: Mr. Race, Robert Metcalf, Norman Peloquin, Warren Hathaway, Gerald Hickey, Chris Hemingway and Ira Perry. Also present was Mr. Steven Melo, Harbormaster.

Mr. Race reviewed the agenda for the evening. Mr. Hickey moved to accept the agenda. Mr. Perry seconded. So Moved.

The minutes of the meeting of December 12, 2006 were reviewed. It was noted that the third paragraph, page 1 should read **Mr. Hathaway seconded** the minutes. Mr. Hickey moved to accept the minutes with the change. Mr. Metcalf seconded. So moved.

Before starting the meeting, Mr. Race reviewed the process of the meeting to the group present, stating that public comment is at the end of the meeting.

### Harbormaster Report.

Rogers St. Status. Mr. Melo stated that the brush clean-up on the property has started. Neighbors have called his office to ask what is happening. Town workers are clearing the land. Mr. Mike O'Reilly is in touch with State officials. Mr. Melo said the land is considered a brownfield. The object is to make this land usable to the public; the Town and DEP are talking to find what the land can be used for. There will probably be a capping of the site, maybe asphalt. The U-Mass project at this site is on-going. The Town is looking into a grant partnership with 100% funding for the cap. Mr. Race asked if we have input on the capping. Mr. Melo said that the type of cap covering will be assigned by EPA, but we will have control over the design of the parking area once it is capped. Mr. Hickey asked what would be done with the house. Mr. Melo stated he has informed the students the house should be designed as the administrative office of the department, a place to meet the public, along with an area for safety courses, educational opportunities. It was suggested to use Ms. Genoa Warner's articles as a way to inform the public of the progress on the site.

Ms. Warner Internship. Ms. Warner is taking finals and unavailable to be at tonight's meeting. Mr. Hathaway has set up the groundwork with the Chronicle for her articles. Mr. Hathaway said that they will be allowed some space within reason for the articles; he feels that the more communication the better, maybe every two weeks.

Budget Preparation. Mr. Melo stated that it is time for the fiscal 2008 budget preparation. He handed out a budget summary for review by the WMC. He stated that the Waterways Department pays for insurance for their boats. Mr. Melo will check with Town Hall to be sure all expected revenues from boat excise taxes have been credited to the Waterways Enterprise. Mr. Melo said that the payment on the Rogers St. property is \$25,400 yearly. He said that it can be taken out of retained earnings this year, but it should be included in the operating budget starting in 2009.

Billing/Permit Renewals. Mr. Melo said that he is streamlining the system to make it as simple as possible. They are now asking the permit seeker to enclose a self-addressed stamped envelope to return the permit or they can pick it up at the office. This is a big cost saving practice. The forms will inform them that there is any issue with past due taxes, they will not receive the mooring permit. Also, they will be informed that if the mooring permit renewal is not received by March 31, 2007 there will be a \$50.00 late charge. The window envelopes will state that it has to be received by March 30, 2007. Any person with overdue inspections will not be renewed. Mr. Hathaway asked if in 2006 any permits were not renewed due to overdue excise taxes. Mr. Melo said that all permits with overdue taxes were turned over to the Town Collector.

Split-Use Fee Rates. Mr. Melo said that this is a yearly issue, whether to charge resident and non-resident separate rates. In a Provincetown case, the DEP voted that town could not discriminate between resident and non-residents for mooring fees. Mr. Melo said that we always had a flat rate system for moorings.

In the case of waterways fees, the Federal courts approved split rates since the Town residents already pay for improvement with their real estate taxes. Mr. Melo said that we have always had a split rate for waterways fees. He has asked Town Counsel and our present system appears to be legal.

#### New Business.

Mr. David Nolan, owner of Heritage Wharf. Mr. Race introduced Mr. Nolan whom the WMC invited to the meeting for an update on the progress at his site. Mr. Nolan stated that he brought South Wharf and his plans are for it to remain a boat yard, with no present intentions for real estate development. He is now trying to deal with the contamination issue at the site. He said that progress on the contamination issue has been good. His objective for the site is to be a 'clean marina'.

Mr. Nolan said that his business is primarily the sale and maintenance of boats. He is designing the clean-up for future needs. He would like in the future to pressure wash boats. He said that the first phase of this is not to have the property look industrial: he would like to brick the area and have benches for the residents; he wants to establish a look for the boatyard. He wants to preserve the character of a boatyard. He said that the South Wharf itself is not contaminated. He said that the PCB's on the property kicked it up to the EPA level, and every 10 square feet of the property is being tested. This revealed that a lot of the areas were not contaminated. The contaminated areas are being cleaned and concrete floors are being put in with a drainage system. They are putting in a central vacuum system for the marina.

Mr. Nolan said that when purchasing the property he didn't realize the impact to the public, no idea of what the capabilities of the property was. He said the more he talks to people, the more he would like to help with public access. He is working it into the plan to make the area more accessible to the public. He said that his architects are working on an overall master plan, but he wants to feel more comfortable with the area first. He would like the area to be public and transit friendly. He will share his plans at a future meeting. Mr. Peloquin asked if he had plans for the marina basin. Mr. Nolan said yes, he feels that changes will be made with Army Corp approval and they will be filing for the permits.

Mr. Hickey asked if he has an office in Town. Mr. Nolan said he is working between Harwichport and Dartmouth, but as progress continues he will be in town for longer periods.

Mr. Melo said that Mr. Nolan sent in a letter requesting applications for commercial moorings. He said that at present there is no policy in effect for adding commercial moorings. Mr. Peloquin said that the application should be treated the same as a recreational applicant. Mr. Hickey said that there is no category for commercial moorings and they are not transferable. Mr. Melo will take the application with no money until the process is figured out; this will set up a priority list for commercial moorings. Mr. Hickey said that a subcommittee should be established in the future to deal with this. Mr. Melo said that this might be tied into the regrid of the harbor.

#### Old Business.

Concordia, Inc. Ms. Carol Hill of Concordia was present to discuss the mooring issue. She said that the Army Corp requested a survey of all Concordia moorings in relation to other moorings. She received from Mr. Melo a map of the harbor with all Town moorings and she marked the Concordia moorings along with their swing circles. She showed the WMC a copy of the map. She believes this is what the ACE wants to see; she feels they are interested in the navigation issues.

Ms. Hill said that ACE would like to know if the Town plans on putting any new moorings in the harbor near Concordia's moorings. Mr. Hemingway feels that Concordia should get more clarification from ACE on what information they want from the Town. Ms. Hill will get in contact with ACE on the definition of what they want.

Mr. Melo said that he has received questions on the overlap issue. Mr. Hemingway asked if ACE has information on swing circles. Ms. Hill said that there is a formula for it; she will get the information needed for finalize this. Mr. Melo said that Mr. Brian Valicourt of ACE did the inspecting of Salters Point and he was impressed there with those swing circles.

Mr. Stuart McGregor was present to discuss the possibility of a future launch service. He said they have been researching this. He said that in August, 2007 they would be starting to use the Gulf Rd. facility for parking, and a valet system for their mooring access. He said it could be open to the public along with their mooring customers. He said in 2008 they would like to have a launch service. He feels this would be a big help to the harbor. He said they would service different areas, going from the North to South side of the harbor. He would like to land in two places, such as Town Dock and in the Padanaram area. Mr. Race asked Mr. Melo if he researched if the Town landings have rules for this. Mr. Melo said that the town landing is controlled by the State Public Access Board and any business run on it has to be approved by the Access Board as well as Town. Mr. Hemingway feels this could be a great thing for the Town, but permission for such use of the public landing should include an agreement that Concordia would help alleviate overflow Launch parking (for a reasonable fee) as part of their business plan. Mr. Melo feels that it may be possible but there is work involved on Concordia's part to do it properly. Mr. Melo said that if Concordia uses the Town Landing for such commercial purposes, they will have to get the necessary permits from the state and then the town.

Mr. Hathaway feels that everyone's shared concern is more access to be harbor: landing access, more moorings, etc. He feels they should be committed to integrating all concerns. He said a universal spirit of communication between everyone would solve the problems. Mr. Race asked Stuart McGregor to get more information for the next meeting. Ms. Hill feels that a boat shuttle will be very busy in the harbor. Mr. McGregor said that they would be offering space to store the trailer boats during the summer for people that use the landing. Mr. Melo said that the upcoming rebuilding of Gulf Road Bridge and Bay View Sewer project would close the road temporarily. Also, the State is considering rebuilding the ramps at the landing in the near future.

Chatham Moorings. Mr. Melo said that the inspector general is now investigating assignments in Chatham. He gave the WMC a copy of a report of favoritism at Harwich. The inspector general feels that the harbormaster is the only person to assign moorings. He said that if that were the case, he would be in charge of the Concordia and other private moorings. Ms. Hill said that Concordia has a long waiting list for moorings. The State feels that Town waiting lists should be used for assignment of commercial sites. Ms. Hill said that they fit boats to the moorings. Mr. McGregor said that a lot of the people with moorings at Concordia do not have any other business with Concordia. Mr. Melo said he hasn't seen Concordia's list; he feels the Commission should have a copy of the list. Ms. Hill will get a copy.

Commission Goals. Mr. Race suggested for the next meeting that all members should bring a list of goals for the WMC and then they will be combined into one list; then discuss each item and prioritize them into a final list of goals for 2007.

Public Comment. Mr. John Hayes said that he will give the Harbormaster a list of intent for more commercial moorings.

The next meeting is scheduled for Tuesday, February 13, 2007 at 7:00 p.m.

It was moved and seconded to adjourn the meeting at 9:00 p.m. to go into executive session for the purpose of discussing the value of real property where such discussion may have an effect on negotiating position of the body. The following by roll-call approved going into executive session-Robert Metcalf, Gerald Hickey, Roger Race, Norman Peloquin, Chris Hemingway, Ira Perry and Warren Hathaway. The WMC will not go back into regular session.

Respectfully submitted,

Diane L. Vieira