

Minutes of the
Town of Gosnold
Harbor Management Committee
July 16, 2022

Item 1. (Call to Order/ Minutes) A hybrid meeting of the Town of Gosnold Harbor Management Committee via ZOOM teleconference and in person at Town Hall on Cuttyhunk Island was called to order at 10:40am. Present were Harbor Committee Members Ralph Cataldo, Paula DiMare, Seth Garfield, Lexi Lynch, and Leo Pierre Roy, representing a quorum of the Committee. Also present for portions of the meeting were Harbormaster/Wharfinger George Isabel, Mooring Collector/Assistant Harbormaster Dale Lynch, Town Treasurer Sarah Smith, Alden Anderson, Marla Garfield, Wy Garfield, Chris Hart, Geo Huey, David Jenkins, Kelton Jenkins, Lance Leonard, Charlie Lovell, Carlyn Nunes, George Shaw, Sean Uiterwyk, Bonnie Veeder, and Dawn Vogt. Chairman Roy confirmed that the Committee members could hear the discussion and be heard.

Seth Garfield moved acceptance of the minutes of the meeting of June 16, 2022, as written and distributed. The motion was seconded by Ralph Cataldo, and passed unanimously.

Alden Anderson had asked the Chair if we could discuss the status of the new solid waste management system early in the meeting, as he had to leave for another meeting. Mr. Roy said that things seemed to be going better this year with the management of the boater's waste. Mr. Anderson agreed, saying that there were ongoing issues of non-compliance, with some residents still dumping non-Town bags into the truck intended for use by the boaters. He said that some boats at anchor were not paying the Environmental Fee, and therefore did not receive Town bags. Mr. Anderson recounted that the Captain of a sizable yacht anchored in the harbor came ashore with four large bags of trash. When he was told that there was a fee, he paid it, and further said that if had known that we discouraged the receipt of trash, he would have kept it aboard until a mainland port. Mr. Anderson said that only about half of the boaters were using Town bags. He expressed his appreciation for everyone's efforts to improve the situation. Mr. Garfield concurred, saying that Asa Lombard and Henry Devoe were doing a great job, emptying the truck several times a day so it wasn't overflowing. He said that there was a Captain's reference Website based in Newport that many of the large yacht captains used to communicate. He said that perhaps he could post something there requesting that we would prefer not to accept boater's waste. Mr. Roy thanked him for doing that. Bonnie Veeder said that she brings her trash from the ice cream stand to the Fishing Club.

Item 2. (Discuss Request from Win Sanford and Wy Garfield) Chairman Leo Roy summarized the request for approval of a new fixed pier from Win Sanford and Wy Garfield on the Neck, to replace their existing floating dock system secured by anchors. The floats would remain as they are, with the anchors replaced by pilings. He said that once the Committee reviewed the proposal, and confirmed that it would not impede navigation in the Harbor, the proponents would need to apply for a Chapter 91 license from the state. Wy Garfield said that some 500' of chain on the bottom would be replaced by six pilings, and he confirmed that the footprint of the float arrangement would not change. Seth Garfield asked if the Conservation Commission would need to review the project, and Mr. Roy confirmed that they would, prior to installing the pilings. Ralph Cataldo said that the proposal sounded fine to him, and that replacing the anchors and chain with pilings would be better for the environment. Seth Garfield requested that the proponent provide the Committee with a copy of the Chapter 91 license for our records once it was issued. Mr. Cataldo moved to approve the proposal as submitted. Upon a second by Lexi Lynch, and no further discussion, the motion passed with Seth Garfield abstaining.

Item 3. (Discuss Request from Chris Hart and Jim Conway). Chairman Roy summarized the request from Chris Hart and Jim Conway to install a float and ramp between their slips for easier access to their boats. He asked Wharfinger George Isabel if he had any concerns with the proposal, and Mr. Isabel replied that he didn't. Seth Garfield wondered if we went down this road of adding more floats would we run out of slip space on the south side of the marina. Mr. Cataldo said that he had walked the marina with Mr. Isabel, and that the slips on that side were wide enough to accommodate the proposed 6' float and both boats. He said that he thought that these floats were a great idea, and much safer for the boaters, especially at high tide. He noted that Conway's slip was not currently next to Hart, so the Wharfinger would need to do some switching of slips. Ms. Lynch asked if the conditions of approval were the same as for the previous floats and ramps, in that they were privately paid for, but that they became the property of the Town. Mr. Roy confirmed the arrangement, noting that the slip renters were responsible for maintenance, seasonal installation and removal, and storage on their private property in the off-season so long as they were in use by the renters. He noted that the Town did not have space to store this additional equipment.

Mr. Roy said that Foth had just started the conceptual design for a new marina layout with floating docks, but that these accommodations were a good initial step. He said that Foth has completed the bathymetry. Seth Garfield asked if this float was the last one that the Committee was going to approve, with a moratorium after this one. Dale Lynch replied that he believed that Dave Wilson was also interested in a ramp/float being added to his slip. and possibly someone else. Mr. Roy said that it was probably best if the Committee reviewed the requests on a case-by-case basis. Mr. Cataldo moved acceptance of the proposal from Messrs. Hart and Conway, which was seconded by Ms. Lynch. There being no further discussion, Chairman Roy called for the vote, and the motion was carried unanimously.

Item 4. (Marina Update) Harbormaster/Wharfinger George Isabel reported that things so far in the marina this year were a bit slow, which he believed was due to the high cost of fuel. He said that he has received a number of cancellations, but that they had fortunately been replaced by new reservations. He said that he hoped that things would pick up by Fireworks Weekend. Mr. Roy asked if the disruption on the island caused by the Water Project construction was keeping people away. Mr. Isabel replied that he didn't think that it was a factor at all. He said that the roads were a bit dusty, but that the crew was doing a good job controlling the dust given the dry weather, and that there wasn't much dust in the Marina.

Item 5. (Mooring Collector Update) Mooring Collector Dale Lynch reported that everything was operational in the Harbor, including the boats, floats, moorings, signs, and aids to navigation. He said that occupancy over the 4th of July weekend was flat, on par with last season; neither higher nor lower. He said that he hasn't heard any complaints about the Water Project, only positive comments that the Town was taking care of its infrastructure and that we were going to have newly paved roads. He said that he was providing trash bags as requested, and advising the boaters on how to dispose of their waste. Mr. Lynch again observed that visiting boats were getting larger, and that there were a few potential conflicts with the swing room between moorings. He recommended that we consider resetting the moorings on a slightly wider grid, to better accommodate the 50' boats. Mr. Roy said that we should plan that before next season.

Mr. Roy asked if the boaters were complaining about the lack of fuel for a second year. Mr. Lynch replied that the sail boaters only buy a limited amount of fuel, mostly for their Zodiacs, so that it wasn't really an issue. He said that John Adams has a limited supply of fuel and that he has been willing to sell a few gallons to boaters who were stuck. He said that people were understanding that it was a complicated project that was taking time to complete. George Isabel said that his customers really wanted to see the Fuel Dock reopened, and that it was more important to power boaters to have fuel. He said that the boat pump-out was also an important amenity to the boaters. Seth Garfield said that he observed that Mr. Isabel was putting larger transient boats on the Fuel Dock, which was limiting access to the pump out facility. Mr. Roy noted that boaters could access the pump out from the inside, but Mr. Garfield replied that it was too shallow for the larger boats. Mr. Garfield reported that the honey wagon was due to pump out the boat waste holding tank, and that it would also pump out the public toilets tank while it was here.

Item 6. (Review Action Items/Old Business/New Business) Chairman Roy reported that he had contacted the Green Flush Technologies people about a design for the Public Toilets Building facility, and circulated their initial proposal to the Committee for review. He asked for comments. Seth Garfield said that he looked at the video and that the approach makes sense. He said that he hoped that the August meeting would be in person, so we could look at a set of plans together. He wondered whether we could look at the costs and benefits of using local labor for the construction instead of pre-fabrication. Mr. Roy said that we generally try to use local labor, but the design-bid-

build method of construction is very time-consuming, and we couldn't possibly have the building completed by next season using that method, because we would have to start with a bidding process for the architect. He said that Green Flush was on the state contract, which would greatly streamline the procurement process.

Mr. Cataldo agreed, saying that we went through the whole process with the Wharfinger's Shack and the new deck, which provided work for local contractors, but he agreed that it was not practical in this case. He said that he thought that it was a great idea to go with a prefabricated building. He said that it would take some time to decide on the layout and siting. He suggested that the building be shifted south and west to take advantage of some wasted space. Wharfinger George Isabel reminded the group that we needed a storage space for First Aid equipment and other supplies. In response to a question from Seth Garfield, Mr. Roy said that he expected that the new building would be paid for from the Special Projects account.

Continuing to review the "To Do List", Seth Garfield said that he was working with Susan Nilson of Foth on the eelgrass survey to complete our regulatory responsibilities to close out the dock project. Mr. Roy said that he heard back from Reid Silva on the drain from the Fish Shacks, and the plan already showed a wastewater drain pipe to the Public Toilets septic tank. The Committee discussed the shacks with sinks, and determined that there were sinks in shacks rented by Adams, Garfield, Grant, Lynch, and Wright. Mr. Roy said that he would talk to Russell Wright about plumbing the line prior to the paving of the parking lot.

Under Old Business Mr. Garfield reported that he had sent out a team to move the "No Parking" signs on the south side of the channel, and to add one in the middle, to try to keep motorized boats out of the swimming area. He said that we needed increased enforcement of this rule, because it was being regularly ignored. He said that Bruce Borges had volunteered to patrol on weekends ask boaters to move their boats. Mr. Garfield said that we also needed a sign saying that all dogs needed to be leashed. He said that unleashed dogs in the protected bird area violated the law. He said that Ian Walsh of the Buzzards Bay Coalition and his staff intended to enforce the Town's leash law on Barge's Beach. Regarding enforcement, Mr. Cataldo said that he has observed boats tied up all day at the Water Taxi float, which should be kept open for passenger loading and unloading.

Bonnie Veeder said that people were parking between the vendor shacks which limited access. She asked for some enforcement of that. She inquired about the allowable size of signs on the buildings. Mr. Roy referenced the rules, saying that signs on the vendor shacks should be pre-approved by the Harbor Committee, be less than 400 square inches in size, with no illuminated or flashing lights. He said that on the Fish Shacks the rules simply said that signs should be of "reasonable" size, and should be pre-approved by the Harbor Committee.

Dawn Vogt asked about the signage on Barges Beach, agreeing with Mr. Garfield that we needed more signs between the "No Parking of Motorized Boats" signs, and

perhaps one that said “No Unleashed Dogs”. She said that the locals knew the rules, but that the visiting boaters didn’t, and they weren’t following them. She suggested that we pay Bruce Borges to do a patrol of the beach, particularly on the weekends. Ms. Vogt asked who was responsible for access to Barges Beach, noting that it was no longer accessible by the handicapped by golf cart. Mr. Roy said that the beach was now owned and managed by the Buzzards Bay Coalition (BBC), and as a private non-profit organization, they did not have the same responsibilities that the Town would have for ADA accessibility. He suggested that Ms. Vogt connect Ian Walsh, the BBC’s island representative, about permission for beach access by someone with mobility challenges. Both Seth Garfield and Paula DiMare offered to contact Ian Walsh about the issue.

Lexi Lynch said that we needed to remind people to keep private golf carts off the Ferry Dock when the boat arrived. She said that space was needed for the island delivery service and those serving rental properties. Mr. Isabel said that he would speak to Angus Garfield about more vigilant policing of private golf carts on the dock.

Mr. Roy said that we had planned to discuss the status of Seasonal Moorings in the Federal Basin at our next in-person meeting, but that we had decided on a Zoom meeting this time due to the uptick in Covid cases. He inquired if people were comfortable with deferring the discussion to our next meeting, and Charlie Lovell said that he agreed.

George Isabel reported that the two damaged pilings in the Marina had been replaced by Don Lynch. He advised that if residents were going to confront visitors on the beach about moving their boats that it be done by at least two people. He said that given the risk of an altercation, people shouldn’t be alone if trying to enforce the rules.

Item 7. (Schedule Next Meeting) Chairman Roy proposed some dates for our August and September meetings, and after some discussion the Committee agreed to next meet on Saturday, August 27 at Town Hall and by Zoom, and on Saturday, September 17 at Town Hall and by Zoom, both meetings to be held at 10:30am.

Item 8. (Public Comment) The Chair recognized George Shaw, who observed that there was more pressure for swimming at the channel beach this season because Church’s Beach was very rocky at the moment. Mr. Roy asked if there was any further Public Comment, and upon hearing none he asked for a Motion to Adjourn. David Jenkins asked to be recognized by the Chair. He said that he had been waiting patiently for the whole meeting, and was very concerned about the Committee’s position that Seasonal Moorings in the Federal Basin were not grandfathered, and that they reverted to the Town upon the death of the holder. He said that it was his position that the mooring in the Federal Basin was his, and that it would pass to his son, Kelton Jenkins, upon his death. He said that his son was a lawyer. Mr. Roy replied that Mr. Jenkins owned the mooring tackle, but that according to state law he had no continuing property rights to that mooring location. Mr. Roy said that any rights to a mooring location were conveyed by the authority of the duly elected Harbor Committee. Mr. Jenkins stated that

if he had to fight this, he would. Mr. Jenkins went on to say that he had a problem with the \$1,200 annual mooring fee that he was being charged for his 12 rental moorings in the Outer Harbor. He said that he was providing a service to the island by providing moorings to bring more people to the island to use the shops, restaurants, and other businesses. He said that the \$1,200 fee was too much, and totally unfair. He said that we didn't charge a similar fee to restaurants, and they produced much more trash than his moorings did.

Lexi Lynch disagreed, saying that she ran Pete's Place, and had to pay a solid waste fee of \$135 for each of her 10 units, plus the \$5/per bag fee. She said that she was paying over \$3,000/season just for trash removal. Seth Garfield noted that the regular mooring registration fee for everybody was \$50/year, and \$100/year for those people who rented out their moorings, so his "extra charge" was only \$600. He said that Mr. Jenkins was charged \$1,200 because he had 12 moorings. Dave Jenkins said that the rental mooring income was for his mother's retirement, and that our fees were unreasonable. Mr. Roy asked if Mr. Jenkins had a mooring in any other town, as our fees were actually very cheap, compared to other towns up and down the coast. Mr. Jenkins replied that he didn't, noted that his family had a long association with Cuttyhunk, and asked the Committee if they were willing to reduce his fee. There was no support for Mr. Jenkins' request. Mr. Garfield said that managing the Town has become much more complicated in the years since Mr. Jenkins lived here, and that costs have risen considerably.

Kelton Jenkins said that the Town bylaw stipulated that any funds raised by the Committee be used for harbor-related purposes. Mr. Roy thanked him for pointing that out, and noted that Mr. Jenkins' customers used the Town dinghy dock to come ashore, and that mooring fees paid for the construction, launching, and ongoing maintenance of the floats and public docks. Mr. Roy said that the Committee was planning an expensive replacement of the Public Toilets Building, which he was sure that Mr. Jenkins' customers likely used when they came ashore. He said that the annual Harbor and Wharf budgets were a matter of public record, discussed with great transparency during multiple public meetings by the Harbor Committee, Finance Committee, and Selectboard, and that they were ultimately approved by the voters at Town Meeting. There was no further discussion.

Item 9. (Adjournment) Mr. Garfield moved to adjourn the meeting, and upon a second by Ms. DiMare, the motion was passed unanimously at 12:04pm.

TO DO LIST:

1. Mr. Roy to write a letter on eelgrass regeneration to the regulatory authorities, once Mr. Garfield and Foth performed the survey.
2. Mr. Garfield to facilitate a conversation between Mr. Roy and Wayne Perrier to discuss upgrading the electrical service to the Town Dock
3. Mr. Garfield to post a message on the Newport Captain's reference website regarding packing out trash.

4. Mr. Garfield to discuss the Barges Beach access issue with staff of the Buzzards Bay Coalition.

Respectfully submitted, Leo Pierre Roy

Approved September 20, 2022