

Minutes of the
Town of Gosnold
Harbor Management Committee
September 20, 2022

Item 1. (Call to Order/ Mail/ 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 10:32am. Present were Harbor Committee Members Ralph Cataldo, Paula DiMare, Seth Garfield, Lexi Lynch, Leo Pierre Roy, and Lisa Wright, representing a quorum of the Committee. Also present for portions of the meeting were Harbormaster/Wharfinger George Isabel, Mooring Collector/Assistant Harbormaster Dale Lynch, Selectboard Member Gail Blout, Alden Anderson, Bruce Borges, Isabel Day, Elaine Doran, Grant Gillette, Rosemary Goettsche, David Jenkins, Paul Lehner, Sarah Lehner, Charlie Lovell, Cheryl Lovell, Duane Lynch, Carlyn Nunes, Wayne Perrier, Sean Uiterwyk, Alan Wilder, and Nancy Wilder. Chairman Roy confirmed that the Committee members could hear the discussion and be heard.

Under Mail, Lisa Wright reported that she had a verbal request for a temporary mooring but asked the applicant to apply in writing with the particulars of their request. Chairman Leo Roy said that he was in receipt of an email from Ralph Cataldo (who had not yet joined the meeting) requesting permission to install a float and ramp in his slip for easier access to his boat for himself and his wife. Mr. Roy said that Mr. Cataldo reported that he had discussed the request with Wharfinger George Isabel and Dale Lynch. Mr. Isabel said that he saw no problem with accommodating the request. Mr. Lynch, who would build the ramp, said that it would be identical to the two others that he has built for Mr. Lehner and Mr. Lowell, and the one that he was building for Chris Hart and Jim Conway. Mr. Garfield questioned the request, saying that this was the fifth one we've received, and would we just keep approving them? Mr. Roy replied that we had begun a larger planning process with Foth to look at converting the entire Marina to floating docks. He said that these requests confirmed that boaters wanted easier access to their boats. He said that he assumed it would be done under the same conditions as the others: the individual requesting the float and ramp would pay for it, and be responsible for removing it, storing it on their own property, and re-installing it in the spring. Ms. DiMare said that she thought that it was a good idea and supported approval of the request. Ms. Wright moved approval of the request, with a second by Ms. DiMare. The motion carried with Mr. Garfield abstaining.

Ms. Wright said that she was in receipt of an email from Grant Schenk inquiring about the status of Piling #37. He asked who owned it, and could he purchase it. Our records show that it had been owned by Paul Lehner, but that it was supposed to be removed and replaced with a helix mooring in another location. Chairman Roy determined that we needed to do some more research before responding to Mr. Schenk.

Mr. Garfield moved acceptance of the minutes of the meeting of July 16, 2022, as written and distributed. The motion was seconded by Ms. DiMare and passed with an abstention by Lisa Wright, who was not at the meeting.

Item 2. (Marina Update) Harbormaster/Wharfinger George Isabel reported that the summer season went very well, and that the marina was very busy. He said that the cost of fuel was pretty high as season started, but that it fell as the summer went on, and that the weather was very cooperative. He said that according to his preliminary records he had taken in \$331,579.43 through 9/19/22, but that amount had not yet been reconciled with Treasurer Sarah Smith, so was subject to change.

In response to a question from Mr. Roy, Mr. Isabel said that the trash management in the Town Dock area was much better than last year. He said that the new truck was emptied regularly, along with the cans on the dock and in the restrooms. He said that the gulls got into the bags once, but that it wasn't a big problem.

Mr. Roy noted that Nancy Wilder of the Cuttyhunk CAN solid waste and recycling committee was present and asked her if she had any comments. Ms. Wilder said that a number of the committee's good ideas for improved solid waste management were thwarted by the chaos of this summer, due to the Water Project, but that they hoped to try them next season. Alden Anderson agreed, saying that the group "took their foot off the gas pedal", but that there was more work to be done next year. He said that things were better this summer than last, and thanked Asa Lombard IV for his efforts. He also thanked the vendors in the Town Dock area, especially Lexi Lynch and Seth Garfield, for their efforts in managing the trash from their customers. Mr. Garfield said that Mr. Lombard had said that the new system was a big improvement.

Isabel Day said that she saw some boaters who were on a boat docked at the Fuel Dock just throw their trash bags over the fence at the Transfer Station. She said that she thought that was very rude, and that she was opposed to our accepting the boaters' waste. Mr. Roy replied that the issue has been exhaustively discussed by the Committee, and that while we strongly encouraged boaters to pack out their waste, as a Marina we had to accommodate their trash. He asked Mr. Isabel to remind our customers, especially those docked at the Fuel or Ferry Docks, about our waste management policies. Ms. Day wondered why we needed the big boats. Mr. Roy replied that the Harbor provided a significant portion of the Town's annual revenue, and that the Committee worked to achieve a balance of harbor use... enough to support our island economy, but not so much as to adversely affect the quiet charm of Cuttyhunk and our quality of life.

Item 3. (Mooring Collector Update) Mooring Collector Dale Lynch reported that it was a very successful season on the moorings. He said that the drought worked to our advantage for dry boating weather. He said that it had been a challenge juggling the management of the Water Project and the mooring collecting, but that everything had worked out well. Mr. Lynch reported that revenue for the period from 5/15/22 to 9/19/22 was \$199,495, as compared to revenue for the same period last year of \$204,880. He

said that the \$5,000 variance amounted to 97 boats, which was unfortunate, but not a big deal. He said that everything was operational in the Harbor, including the Town boat. He said that the boat's trim adjustment needed to be looked at, which would be done when the boat received its next service. In response to a question, he said that the boaters responded well to the new trash management system, with a truck dedicated to their waste. He said that many boaters declined the bags, despite paying the \$5 environmental fee, saying that they would take their trash back to the mainland. He said that he has observed much less trash being generated by boaters on the moorings.

Mr. Lynch reported that the only complaint that he has heard regularly is the tight spacing between boats on the moorings. He said that several boaters told him that they were staying in the outer harbor because of it. He said that the average boat size was now 50', whereas it was 35-40' when the mooring field was laid out with the 75' spacing. He said that 60' boats have a deeper draft, and they are staying outside, but that 50' now seemed to be the sweet spot for our customers. He again suggested that we reset the mooring field to increase the spacing. Mr. Roy agreed, and suggested that he get with Mr. Lynch to look at the approved Harbor Plan to come up with an improved layout and bring it back to the Committee.

Mr. Garfield questioned whether we needed to paint the winter sticks every year. He said that he maintains about 20 moorings, and doesn't paint the sticks. He said that Mr. Lynch power washes them, which should be adequate. Mr. Lynch disagreed, saying that he maintained the equipment, and felt that painting the wooden sticks reduced the marine growth. He said that the Committee could switch to plastic buoys if we wanted to avoid painting the winter sticks. Bruce Borges agreed, saying that he had seen them in use and that plastic buoys in the winter were a good idea. He said that he thought that they cost about \$150 a piece. Mr. Lynch said that he could order a couple to try out. Mr. Garfield said that he was not disagreeing with Mr. Lynch, but that he was concerned about cost as the price of marine paint was up to \$100/gallon. Mr. Garfield requested that two mooring balls be left in again over the winter as a courtesy to visitors. Mr. Lynch said that he would be happy to do that, for the fourth consecutive year.

Item 4. (Review Plans for new Public Toilets Building) Chairman Roy described the plans from Green Flush Technologies for the new Public Toilets Building facility, which had been circulated to the Committee for review. He said that it consisted of two prefabricated concrete block buildings with concrete floors that would be delivered to the island and set in place by a crane on a foundation that we would build. He said that once the buildings were set, a local contractor would roof the structure. He said that the building consisted for a Ladies Room with sink and two stalls, a Mens Room with sink, urinal, and one stall, a Family/All Gender Room with sink, toilet, and changing table, a Storage Room, and a Mechanical Room. He said that there would be a covered breezeway between the two buildings with room for a couple of benches and a bulletin board. He said that there would be a water fountain with bottle fill and dog bowl. He asked for comments.

Wayne Perrier said that there was a 15 kVA transformer in the existing bathroom building that he intended to move to the first shack on the Fish Dock, to improve the service there, and to the power posts on the end of the dock. He said that he would like to put a new 15 kVA transformer in the mechanical room of the new building, and that it would take about a 4' by 4' space on one of the walls. Mr. Roy said that he thought that could be accommodated.

Lexi Lynch said that she liked the new design, and agreed with moving the door to the storage room to the street side, instead of opening into the corridor. She said that she thought the benches were a good idea. Ms. Lynch reported that she had received a donation of \$2,200 from the owner of the boat Knucklehead to replace the rusting blue picnic tables and to add some benches. She requested that the new bathroom building include an RV-type wastewater disposal port for use by the vendors in the Town Dock area. She also suggested that the building have operable windows for ventilation.

Lisa Wright asked whether the facility would use the existing septic tanks and system. She was curious if it could accommodate the additional bathroom. Mr. Roy said that the intention was to use the existing system, and that he would confirm the sizing with Reid Silva of Vineyard Land Surveying and Engineering, who designed the system. Carlyn Nunes asked about the cost of the new bathroom, and who was going to pay for it. Mr. Roy replied that it was expensive, coming in at about \$450,000. He said that we didn't have enough money in the Special Projects account to pay for the whole project, but that we could cover a 20% match if we were able to get some grant funding from the state. He said that there was a Seaport Economic Council grant round coming up, with applications due October 1. He said that the Town planned to apply for it. Mr. Borges asked if the new bathroom facility at the Coast Guard Boathouse would have a tight tank, and Mr. Roy said that it would, to be pumped out when the Buzzards Bay Coalition's boat pump out tight tank was pumped.

Ralph Cataldo said that replacing the Public Toilets building was long overdue. He said that having done many projects on the island he absolutely supported going with a prefabricated building, and having local labor do the slab and the roof. He said that four guys could do the roof in about a week. He said that he would call Mr. Roy with some specific additional suggestions.

Item 5. (Summer Season Review) Lexi Lynch said that the season was extremely busy, but that everything went very well, and that generally people seemed to be on their best behavior. She said that visiting boaters told her that they felt very welcomed on Cuttyhunk. Ms. Lynch said that there were lots of questions about the Water Project, which led people to ask questions about the other island infrastructure. She said that the trash pickup was handed beautifully by Asa Lombard and Henry DeVoe, and that they were on top of it. Ms. Lynch said that the parking lot was kept clean, and noted that she took back a lot of the trash generated by their customers. Her only suggestion was for a better sign explaining that the truck was for boaters waste, and their waste only. She said that she was constantly pointing out where boaters were supposed to dump their trash.

Mr. Garfield agreed that it was a good summer season, and noted that it was Cuttyhunk Shellfish Farms' 41st year. He said that he had a great staff this year, and that he planned to stay open through Columbus Day. He agreed that Asa Lombard and Henry DeVoe did a terrific job, and said that the new truck worked great. He said that the moorings and the marina were maxed out most weekends. Wayne Perrier said that he knew that the ice cream shack was very busy, as he had to make a run to the Mainland every week for supplies. Lisa Wright said that the public toilets were awful all summer, and can't be replaced soon enough.

Item 6. (Discussion of expanding the mooring grid) Chairman Roy noted that we had already briefly discussed this issue. Dale Lynch said that the existing grid was on 75' centers, but perhaps it could be expanded if we encroached a bit on the seaplane taxiway, and a bit to the east. Mr. Borges suggested that we consider going to a 100' grid. He said that we could better define the area for free anchorage, as he felt that it wasn't well utilized. Mr. Roy said that we had an approved Harbor Plan that we should review. Mr. Borges said that all the moorings had the same ground tackle, and that boaters could tighten up on their scope. Mr. Lynch said that he was constantly telling boaters to tighten their scopes. He said that he would look at the harbor plans with Mr. Roy and propose a solution.

Item 7. (Discussion of Marina parking lot paving) Mr. Roy reported that the plan was not to improve the parking lot, but simply to replace it in kind. He asked Mr. Garfield if, in his role as Highway Supervisor, he could remove the curb stops, and stake out the edge of pavement for the paving contractor. In response to a question, Mr. Roy stated that the grill stands also needed to be removed, as the apron up to the Wharfinger Shack was also slated to be repaved.

Item 8. (Review Action Items/Old Business)

In reviewing the "To Do List", Mr. 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 the other items on the list had been completed.

Mr. Roy said that we had deferred discussion on the status of Seasonal Moorings in the Federal Basin at our last meeting, but noted that interested parties Charlie Lovell and David Jenkins were present. Mr. Roy said that to begin the discussion, it would be helpful to find areas of agreement, before discussing any areas of disagreement. He said that laws and regulations for management of the in-shore waters was confusing, due to the overlapping of federal, state, and local jurisdictions. Mr. Roy said that the ocean floor from the low tide line out to the three mile limit was owned by the Commonwealth of Massachusetts. He said that the state has delegated to the coastal municipalities the ability to permit the use of locations on the ocean floor for moorings on an annual basis, that but no property rights were conveyed by that annual permit. Mr. Lovell disagreed. He said that he, too, was seeking common ground, and that he just wanted to pass his mooring to his children. Mr. Roy said that Mr. Lovell's mooring tackle

was his, but that the mooring location was not. Mr. Lovell asked to share his screen to show some documents and Mr. Roy agreed.

Mr. Lovell explained that his mooring was placed in the Federal Basin in 1979 or 1980, which predated the Town's Harbor Management bylaw. He explained that Seasonal Moorings were not defined in the bylaw, which clearly states that moorings in existence prior to the adoption of the bylaw were "grandfathered", which means that, according to the bylaw, can be rented, sold, or otherwise transferred. He said that two previous chairmen of the Harbor Committee had written letters confirming that his mooring was grandfathered, and that he had even agreed to let the Town rent his mooring to transient boaters when he wasn't using it. He said that as far as he was concerned, his mooring should be considered "grandfathered". Mr. Roy said that Town Counsel had written a letter to Mr. Lovell, addressing the confusion in the wording of the bylaw, explaining the limited nature of the Town's rights, and indicating that the duly elected Harbor Committee was charged with interpreting and enforcing the Harbor bylaw as it saw fit. Mr. Roy expressed great appreciation that we were able to discuss a somewhat contentious issue civilly in a public meeting, noting that it was unfortunately becoming increasingly rare.

Lexi Lynch said that she was trying to wrap her mind around the issue, and asked if we could "dumb it down." She asked what the downside was of considering Mr. Lovell's mooring location "grandfathered", like other moorings in the harbor. She questioned why we were "taking things away" from people who have invested so much to benefit the island. She said that the Lovell's have been coming here for generations, and why didn't we just let Mr. Lovell keep it? Mr. Roy replied that the issue had to do with the location of the mooring. He said that Mr. Lovell had another mooring that was considered "grandfathered", located in the Yacht Club area, about which there was no dispute. Mr. Roy said that when the bylaw was revised, we tried to clarify that the private moorings in the Federal Basin would eventually revert to the Town, so that we could accommodate the maximum number of users in the deeper water that the dredged Federal Basin provided. He said that was why those 15 moorings were for the use of the Seasonal Mooring holders for their lifetimes, but were not transferrable, and that since the passage of the bylaw 7 of the 15 have indeed reverted to the Town. Over time, all would be owned by the Town to rent to transient visitors.

Ms. Wright said that she thought that the wording of the bylaw was very confusing, particularly with Seasonal Moorings not being defined, except in that section. Mr. Garfield said that he has been on the Committee for decades, and that when we accepted the bylaw, it was understood that use of the moorings in the dredged basin was for a limited time. David Jenkins disagreed, saying that he, too, thought that his family's mooring was "grandfathered". In addition, he said that he thought that he had a U.S. Army Corps of Engineers permit for his mooring, which gave him ongoing rights. Mr. Roy said that he was aware that the Jenkins family rental moorings in the outer harbor had a Corps permit, but that the Town had the permit for the moorings in the Federal Basin.

Paula DiMare said that she was grateful to Mr. Lovell for providing additional information on this issue. She agreed that it was confusing. She said that she was not clear on the best resolution to the issue, and wanted some more time to think about it.

Bruce Borges said that he was around when the Army Corps gave the permission to put the moorings in the dredged basin, and that he was taking care of about 12 moorings for people at the time. He said that people were told that if they wanted to keep their moorings in the dredged basin they had to meet the Corps requirement for the mooring tackle, which he said cost about \$500 in those days. He said that one guy refused to spend the money and sold his boat, but the other 11 fixed their tackle. He said that he himself had requested a mooring in the Federal Basin at that time for his hurricane mooring, but that he was told that he couldn't get one in the dredged basin, but that he could get one outside the basin. He said that the Army Corps didn't want to allow privately owned moorings in the Federal Basin. He said that he and Alan Wilder were getting older and needed money, so they were interested in selling their moorings if that's allowed.

Alan Wilder said that he's been on Cuttyhunk since 1939. He said that he set the mooring that Mr. Lovell is claiming for Mr. Lovell's mother in about 1979 or 1980. He said that Mrs. Hall had originally owned the house, and that Flora Lovell asked if she could get a mooring. He said that he set it using ranges on the beach, whereas all moorings these days have GPS locations. He said that Cuttyhunk accepted the dredging of the 800' by 900' basin by the federal government as a "Safe Harbor of Refuge". He said that we were the second designated "Safe Harbor"; Block Island being the first. He said that the Army Corps told everybody that they wanted private moorings to be removed from the basin, but that the rule has never been consistently enforced. He said that Johnny Ashly had a mooring in the basin in the old days, as did Isaac Tilton and Bern Matthews. He said that Jay Cornell had his skiff on one on a wrought iron chain, and that the Harbormaster even gave his father a mooring in the basin in the 1940's for their boat Pintail. He said that all those moorings were required to be removed. He said that he didn't know how Flora Lovell got permission to put in that mooring.

Mr. Jenkins asked why we were talking about ancient history. He said that his mooring was transferred to his family before the Harbor Committee was even established. He said that it used to belong to Dan Clark, and that he thought it had an Army Corps permit. Mr. Roy asked Mr. Jenkins to provide the Committee with any documentation he had about the mooring. Mr. Wilder agreed that Dan Clark set that mooring with the big ball for his boat the Frenchman. He said that it was a 2 ton Navy anchor with 1 ½" chain. Mr. Wilder said that Dan Clark gave that mooring to Dave Jenkins Sr. in the 1960's.

Mr. Lovell asked to make a final statement, saying that he understood the Committee's desire to give the greatest number of people access to the dredged basin, but he asked why two former chairman (both of whom are present at this meeting) wrote him a letter confirming that his mooring was "grandfathered" if it wasn't. Mr. Garfield said that he

had been chairman, and wrote one of the letters, and said that he assumed that it came out of some discussion in one of our meetings. He said that he may have been confused because one of Mr. Lovell's mooring locations is "grandfathered", but the other isn't. Mr. Garfield said that he must have been under the impression that it was "grandfathered". He said that he'd have to look at the minutes of the meeting around the time of the letter (9/10/99) to figure out what prompted the letter. Mr. Borges said that he couldn't recall why he sent his letter (7/9/01). Mr. Roy said that he would look at the minutes of the past meetings, and review the Army Corps permits to see if they shed any light on the matter.

Cheryl Lovell said that Charlie's mother did not install the mooring in the basin in 1979, that she and Charlie did. Mr. Wilder said that was "bullshit", that he did it for Flora Lovell, and that it was a double block chained together. Ms. Lovell said that Mrs. Lovell had arranged for it on behalf of Charlie and herself for their Sabre 34. She said that Kenny Tripp actually set the tackle. There was no further discussion on this issue.

Item 9. (New Business/ Public Comment) Chairman Roy proposed Monday, November 7 for our next meeting, at Town Hall and by Zoom, to be held at 10:30am.

The Chair again recognized Alan Wilder, a former Harbor Committee member, former Selectman, and longtime Cuttyhunk resident. Mr. Wilder said that he would like to transfer his hurricane mooring, B-17, to J.P. Hunter. Mr. Roy said that we could help him with that, and Ms. Wright offered to write up a piece of paper for Mr. Wilder to sign for our records.

Mr. Garfield stated that John Carter has a mooring location that he has not used, and wondered if there was a time limit on commissioning moorings. Mr. Roy said that our bylaw stated that disuse of a mooring location would subject it to forfeiture, but that we usually waited a year before taking action. He said that as a Committee we needed to do a better job of communicating our rules, particularly that one, and making unused mooring locations available for temporary use. Mr. Wilder asked for confirmation that "grandfathered" mooring locations could be rented or transferred by their holders, which Mr. Roy confirmed. Mr. Roy asked if there was any further Public Comment, and upon hearing none he asked for a Motion to Adjourn.

Item 10. (Adjournment) Ms. Wright moved to adjourn the meeting, and upon a second by Mr. Garfield, the motion was passed unanimously at 1:02pm.

TO DO LIST:

1. Mr. Roy to write a letter on eelgrass regeneration to the regulatory authorities, once Mr. Garfield and Foth completed the survey.
2. Mr. Roy to discuss the sizing of the Public Toilets septic tank with Reid Silva of Vineyard Land Surveyors.

3. Mr. Roy to review past meeting minutes and the U.S. Army Corps of Engineers permit for the dredged basin for language regarding the private use of moorings in the basin, and possible arrangement of moorings.
4. Mr. Roy and Dale Lynch to develop a layout of the mooring grid to create greater spacing between the boats, for review by the Committee.
5. The Committee agreed to do a better job of enforcing our regulation that disuse of a mooring location would result in forfeiture of that location, in order to make those spots available as Temporary Moorings.

Respectfully submitted, Leo Pierre Roy

Approved November 7, 2022