

**TISBURY WATERWAYS COMMITTEE MEETING  
MINUTES**

Thursday, December 15, 2022, at 5:00pm

**In Attendance:** Jeff Canha (via zoom), Greg Martino, Michael Baptiste, John Packer, Roger Moffat (via zoom), Paul Munafo and Matt Hobart

**Also Present:** John Crocker, Danielle Ewart, Kim Elias, Lynne Fraker, Bob Landreth, Bev Potstad, Melinda Loberg and Emma Green-Beach.

- 1) **Call to Order 05:00pm:** Paul Munafo Opened the meeting.
- 2) **Public Comment:** Paul Munafo stated that although the Committee has been in operation for a little over a year and there is still no presence or access on the Town website. He has sent a letter to Jay Grande to facilitate in getting that done. Lynne Fraker stated that it was a little bit of a surprise and that the expectation that the Waterways Regulations would be reviewed by Counsel and come back to the Select Board but that was not what happened. She stated that the Natural Resource Department had made some major changes and deletions and Town Administrator put those deletions back in but are crossed out. She felt there was a problem with communication between the Committee and the Natural Resources Department. The decision was that it go back to the Waterways Committee. She stated that that it should not have happened and now the Committee has to start from the beginning again. Mr. Grande also talked about enforcement problems and was going to work on that. She said that it should not have happened. The big issue was mooring leasing and has not really been talked about and that the committee really needed to resolve the problem. Once the Committee resolved that issue then the rest should be a piece of cake. She asked that they take a hard look at it and that they do not have a lot of time.

**Matt Hobart took the Chair.**

- 3) **Open Meeting Law Complaint: Minutes:** Matt Hobart explained that there was an open meeting law complaint filed against by the Committee and had been working with Kim Elias about the complaint. He went through the procedure for the response. The complaint was filed by Lynne Fraker and that most of the complaint was to do with Minutes. Kim Elias has addressed a lot of the concerns. Kim Elias stated that the revised minutes were not on the agenda, however the committee members had a copy that was send out and she will put them on the agenda for the next committee meeting. One item was to correct the meeting dated March 10, 2022 to meet in person. To amend the decision **Matt Hobart entertained a motion, Greg Martino moved the motion and Michael Baptiste seconded to have meetings in Hybrid form.**

**(Voted 7-0)**

Next was to revise minutes of October 13. 2022 to include sufficient information on discussion of Owen Park, Times of Start, end and list of documents and continue providing this information on

future minutes. Kim Elias will make the corrections and will bring to next meeting. Also to correct to minutes of the March 10, 2022 meeting regarding election of chair, vice chair and clerk. After discussion and recollection of the meeting Matt Hobart asked Lynne her input after reviewing the recording, regarding the correction. Kim Elias will correct minutes to reflect "After discussion, the Committee postponed committee positions until the next meeting"

**After discussion Matt Hobart entertained a motion and Jeff Canha moved the motion, John Packer seconded to let the record clearly reflect what was discussed tonight. (Voted 7-0)**

Matt Hobart and Kim Elias will draft letter and send with corrected minutes.

- 4) Owen Park Site Visit with Open Space Committee – Update:** Matt Hobart explained that the meeting discussion was broad in nature. The Open Space Committee would like to see more space and of how it might be addressed such as moving the building to another locale, possibly the west side of the park and perhaps up the hill a little bit. Also mentioned were funding sources to do the project such as grant from Seaport Economic Council. Jeff Canha mentioned Embarkation because of the essential service the Harbor Master provides. John Crocker is researching sources but would need to have more data. The Natural Resource Office is researching the original drawings and plans to the building and will provide a copy once they have been located. There was discussion regarding the current state of the building, how to deal with the ventilation in the showers and remediation of the mold. Paul Munafo suggested putting a warrant article for the next fiscal year of \$50,000 as a place holder to pay for some remediation work. There was further discussion regarding putting a door in the building so access one of the bathrooms from inside and replacing the flooring in the building. John Crocker mentioned that the Waste Water Department have a project that is happening in the near future that will hook the building up to the Town's sewerage system. After further discussion **Matt Hobart entertained a motion and Paul Munafo moved the motion and Greg Martino seconded to recommend to the Select Board that the Harbormaster work with the Department of Public Works to renovate the showers and bathrooms and remediate the mold in the Natural Resource Building to bring it to a healthy workplace environment. (Voted 7-0)**

- 5) Scallop Season in Lagoon Pond – Continued Discussion:** John Packer asked how many scallops were pulled out of the Lagoon this year. Danielle informed the committee that approximately 14 1/2 bushels were harvested in a three-year period. John Packer asked the question regarding how many Tribe members harvested. Danielle thanked him for the question and explained the Wampanoag Tribe member rights. She does keep track of how many times they have been out and that she regularly inspects their ID's. In 2019 there were six occasions in the lagoon. This year total of 12 people went out and collected 12 bushels. There is no set out amount for general sustenance in which they are limited to. John Packer felt that they needed more data to make informed decisions and asked that Danielle educate them a bit. Danielle thanked John for his comments and stated that she does want to get them more involved in the Shellfish Department

and would like to work better with the committee. It was suggested to start talking about Scallop Season at the September meeting. Danielle provided a copy of letter sent to the Select Board. Jeff Canha mentioned that one of the days the lagoon was open that there was bad weather and the one other day the weather was better and was curious to know how much was harvested overall. What he is seeing is a tremendous number of scallops are being collected by gulls in an area that has quite a few scallops. He also mentioned that the Committee had asked the Shellfish Constable to work with the Commercial Fishers at a prior meeting he stated that the Commercial Fishers had no input or conversation with regards to the scallops season and that they were quite disturbed by that. It was the intent of the committee that the Shellfish constable work with them. He said he believed that the Shellfish Constable had already decided to keep it closed and secondly the scallops being harvested had jet black gonads and he asked what the likelihood of those scallops reproducing in August and that they will perish. Danielle Ewart responded by stating that it is not necessarily true. In further discussion it was asked if there was a way to allow harvesting in one area and not in another to see what happens. Danielle explained the spawning cycle and that she had held a talk some years ago at the Senior Center about scallops. Matt Hobart that perhaps she would do a presentation at a future committee meeting. Matt asked if there was anything that can better serve her. She responded by if anyone has any questions from the public or from committee members to call her or email. John Packer asked that for the record that the committee have had this discussion.

- 6) **Tashmoo Dredge Update: John Crocker gave an update.** The dredge began on Monday (December 12), supervised by Woods Hole Group and was proceeding accordingly. The sand was being pushed further east where needed. The committee thanked the Harbormaster for acting so quickly.
- 7) **Waterways Management Plan – New DEP Title 5 Rules.** Melinda Loberg gave a brief explanation on the proposed regulations regarding Title 5 rules. She explained that there is no official approval of them yet and DEP did a presentation at the MVC today. They are suggesting in order to meet the TMDL's (Target Nitrogen Level) in each of the impacted ponds that they are going to either ask every property within the watershed of an impaired pond to either retrofit or upgrade their septic system to a nitrogen reducing alternative or the Town will decided to apply for a water shed permit which will give them 20 years to plan and impose a plan to impose the same TMDL. It appears that the DEP would prefer the towns to implement watershed permits. The Water Resource Committee is considering water shed plans first to meet new regulations that the State might be imposed as part of the CWMPS (Comprehensive Wastewater Management Plan). The DEP are currently giving informational sessions during the month of December and January. They will also be taking public comment. The Town's Board of Health have regulations in place that if a homeowner is adding additional bedroom or other project that might increase nitrogen levels the homeowner would have to apply for new permit anyway so they are way ahead of other towns in Massachusetts so the process could take a time frame of five years. It is required that all towns have a CWMPS and typically within that plans to meet the growth goals and the State is looking at the Town to come up with its own strategy for the TMDL. The water

sheds in Tisbury that are impaired are the Lagoon and Tashmoo. The inner and outer harbor are not impacted at this time. There was further discussion regarding cost and low interest loans. The Town of Tisbury does not qualify for the loans until it has completed its CWMPs. Currently there are no consequences that the state has imposed the TMDL goals have not been reached. Matt Hobart asked Melinda Loberg what role the Waterways Committee can do to be helpful. Melinda felt that talking to the Resources Committee who is working on the plan itself.

Matt Hobart stated that the subject regarding Oyster Gardens under Private Docks will be placed on future agenda and Waterways Regulations will be placed on the agenda for the next committee meeting. Matt asked that committee member look at the Waterways Regulations over the holidays so that when they reconvene in January it can be discussed.

Jeff asked that the committee provided they did not have any objections to have a joint meeting with Oak Bluffs Harbormaster and Shellfish Committee with the Oak Bluffs Harbormaster and Oak Bluffs Shellfish Constable present.

06:34pm Paul Munafo made a motion to adjourn, and Greg Martino seconded. **(Voted 7-0)**

Documents:

Open Meeting Law Complaint

Revised minutes March 10, September 15, October 13, 2022

Draft minutes November 10, 2022

Pre-Dredge Survey November 2022

Shellfish Constable letter to Select Board

DRAFT