

**TISBURY WATERWAYS COMMITTEE MEETING  
MINUTES**

Thursday, February 10, 2022, at 5:30pm  
Meeting held remotely via Zoom platform

**In Attendance:** Michael Baptiste, Matt Hobart, Jeff Canha, Roger Moffett, John Packer and Paul Munafo.

**Also Present:** John Crocker, Danielle Ewart, Kim Elias, Lynne Fraker, Bob Landreth, Doug Reece, Anna Fay Lawton, Peter Guest, Nelson Sigelman, Pam Bennett, Jay Grande, Tom Robinson, Jorja Derby, Melinda Loberg, and Eric Litt.

- 1) Call to Order:** Jeff Canha opened the meeting.
- 2) Public Comment:** John Crocker wanted to inform that the Town has just received a Harbor Use Permit Application from R M Packer and thought that it needed to be reviewed within the appropriate time frame. Doug Reece did not understand why the proposed rewrite of the Waterways Regulations went outside of the Waterways Committee and as it did go outside, wanted to know why the two pond committees, TWI, and LPA, were not included in the discussions. He asked if anyone reviewed the Oak Bluffs Regulations so that there are conflicts. Lynne Fraker explained the role of an ad hoc committee and that current regs should have been done though an ad hoc committee to begin with and agrees with Doug. Should not continue as is being done. Lynne Fraker stated that she has been working with a person whose career is creating documents like the one being worked on and is hoping to present it a new document with the Committee soon.
- 3) Minutes:** Matt Hobart made a motion and Roger Moffat seconded to approve the November 18, 2021, and December 2, 2021, with correction **(Voted 6-0)**
- 4) Waterways Committee Agenda Management Guideline:** Jay Grande produced a document that may be of use to the staff. Staff want to make sure the process of clear to everyone. He had made a template and has been tailored towards to Waterways Committee. Staff wanted a process in place in which everyone could participate as well as the chairman and committee members themselves. Jay Grande also wanted to remind that the committee was advisory to the select board and is independent on agenda items and staff would like to feel that can put items on the agenda that are of interest to the committee and want to ensure that items that are time sensitive are on there from a management point of view and that it is clearly outlined. Jeff Canha pointed out a document developed in 2020 regarding other types of committees and at no point has the chair denied the Natural Resource office from placing items on the agenda. There was further discussion regarding the process in how the agenda is framed for upcoming meetings, Paul Munafo asked that on the guideline document the Chair to be included in items 4 and 6. He felt that it was important that the Chair should be part of the discussions when agenda items brought by the public can be incorporated in the language and then issue a final document. Matt

Hobart said that this would help in trying to facilitate better communication. Jay Grande commented that this would also assist any new committee members moving forward.

- 5) **Waterways Committee Structure:** Matt Hobart had asked this to be an agenda item but informed the Committee that he felt that the subject had been covered when discussing the agenda guidelines.
- 6) **DMF Shore Fishermen Access Grant:** John Crocker updated the committee with respect to a grant applied for in October 2021. The idea came from John Packer. Research was done and came up with using a hardener using a geo tech grid to improve the parking area at Lake Tashmoo. The next step is to bring forward to conservation commission for their approval. Grant amount is in the amount of \$12,482.50. We may be able to go to \$15,000 if needed.
- 7) **Safe Harbors demolition and construction project, waterways, and shellfish mitigation plan recommendation to the Select Board:** Jeff Canha informed the committee that he had a lengthy discussion with Chris Scott about ten days prior to the meeting and another earlier in the day. He stated that Mr. Scott had declined to attend the Chairs invitation to the meeting and that he was not speaking on behalf of Mr. Scott nor was he relaying any information about the project as he did not want to give any misinformation. At the initial conversation Jeff Canha stated that Mr. Scott was amenable to mitigation. John Packer asked for point of order and stated that in recent discussion earlier regarding agendas, wanted to know how it was put on the agenda and why. Chair stated that he put it on the agenda so that the Natural Resource department could start considering mitigation. John Packer asked the Chair if the Natural Resource had asked for it to be put on the agenda or if had been triggered by any other committee or the Select Board. John Packer felt that it seemed extremely arbitrary and beyond the purview to even bring it up. He said he will not sit on a committee that is just freelance and it was not the way to do business. John Packer stated that he was upset that it was on the agenda. Matt Hobart stated that he understood where John Packer was coming from and agreed. He stated that it was their job to help the staff and not bring issues that they have not asked for help with. Paul Munafo felt that it was brought up to think about in the future. John Packer stated that Jeff has initiated talking about mitigation that was way over the, "ski tips" purview. **John Packer made a motion and Matt Hobart seconded "to table the subject until such a time the committee is asked to discuss, or a Harbor Use Permit is submitted"** (Voted 6-0)
- 8) **Development of a new Tisbury Waterways revenue scheme to include moorings, waterways fees, administrative fees, and a variety of ideas:** Jeff Canha said it was brought to his attention that other waterways primarily on the cape, north and south shore harbors on the cape have a lot of waterways fees and had suggested in the past to look at it on the board to look at breakdown in numbers comparison. He suggested looking at what it would like for standard mooring fee for all vessels and a permit for different length vessels as could create substantial revenue. a fee for vessels depending on length as a way of perhaps generating more income. During the discussion it was also suggested a boat ramp usage fee, permit landing fish were

examples. Paul Munafo asked if the Harbormaster could lend some resources to research fee in other harbors or perhaps one or two people on the committee to do so. John Crocker has two observations. One was reminding the committee that they are here to advise and assist, so if the waterways committee want to bring up the idea of fees, then it seems be logical for the committee to help and assist with the research. Secondly, that we had to be careful with some of the fees and logically how the fees are collected. For example, government at it worse if you decide to collect a fee and then must hire someone to collect the fee whereby most of the fee collected goes towards paying the person hired to collect. An increase in the mooring fees have already been recommended. Danielle commented that it may be to look and see where fees are not being collected such as Aquaculture, as it's only a onetime fee. Jeff Canha commented that it cannot be done by state general law, chapter 130, section 64. Matt Hobart offered to survey other harbors and research fees and permits. John Packer felt that more revenue should be taken from the embarkation fund. There has been a lot of success in getting funds from the embarkation fund, which goes to the dredge fund and can only be used for items directly effecting the Steamship and cannot be used anywhere else. Jorja Derby asked if there was anyway of capturing revenue from the boats that anchor in the summer season in Lake Tashmoo. Jeff Canha thought that the previous idea suggested by John Crocker using day moorings in Tashmoo to capture fees from day trippers was still viable. Lynne Fraker was in favor of charging a waterways fee and it was asked by the Select Board at public meetings to look at alternate ways at making revenue. She suggested that it may be worth talking the Chatham and Falmouth Harbormasters on how those fees are captured. Jeff Canha felt that a breakdown of revenue would be a good place to start. Paul Munafo offered to assist Matt Hobart with researching fees at other harbors, Jeff Canha and Roger Moffat expressed their willingness to help.

- 9) **Tisbury Waterways Regulations final draft discussion:** Jeff Canha touched on the email that he sent to the Town Administrator to disseminate the draft regulation to the Harbormaster the Natural Resource Department for review to bring back to the committee to see what it looked like when all put together. The regulations that were put forward, he had contentions with and that at public hearing he will be speaking on behalf of himself. Matt Hobart said that the problem that he had was that he had been with this process since the beginning. Most of the changes were recommended by the Harbor Management Committee and that members of the Waterways Committee have not had a chance to review them. He felt that this was not a huge rush and there are regulations in place that are enforced currently and felt it inappropriate to push it up and to Town Counsel prior to having the committee to go over all the issues. And to not even make a motion through the committee. That the three phases have not been completed. Jeff felt that the rush was that the rate it was going It would be completed by 2024. Matt said that that would be fine once the committee has had a chance to review as it was not an unregulated area. He said they were doing good work and still felt that Jeff Canha stepped out of his position as chair and that it was inappropriate. Paul Munafo came on to committee with no knowledge of what transpired before but had read latest draft and thought it should go to public hearing and start airing out there. Michael Baptiste stated that the committee should keep going. Jay Grande mentioned that he understood through Harbormaster that staff wanted to

come back at a future meeting and make some critical comments on the document. He confirmed that the document had been sent to Counsel, but the Harbormaster has indicated quite clearly that he has issues with the document as drafted and the type of changes should be corrected a committee at level before they go to Town Counsel. Melinda Loberg commented that it was a little unusual for a recommendation to go to a public hearing without a vote of the committee. John Packer thought it was irresponsible not to review before sending to Counsel. and felt that the Chair had jumped over his duties again. Lynne Fraker said she was glad that Harbor Department had looked at it and she had another version written by someone professional and will send around to see if it covers their concerns. She stated that it was beyond the committee suggested the committee consider asking the Select Board to form an ad-hoc committee and include LPA. That are still some big issues but once resolved should move quickly with facilitation. Roger Moffat was part of the Harbor Planning Committee took separate items brought to that committee at the time. He felt that if there was a separate meeting only to address the regulations that it would move quickly. **Matt Hobart made a motion and John Packer Seconded "that the draft document stay with the waterways committee until the group came to a consensus that they are ready to push it up through the chain of command. Not to take it to public hearing or Counsel until the committee is ready to send."**(Voted 5-1 abstain)

Matt said that as a group to just focus on one document and perhaps break into groups such as looking at duplicate language etc. Jeff Canha stated that the Harbormaster and Shellfish Constable should way in. John Crocker stated that staff will be very happy to address any issues at the time of the meeting discussions going forward. Jay Grande suggested suggested that any questions regarding the regulations should be addressed through either Kim Elias or Chair who will then collate the general concerns so that they can be worked through in the timely manner. Bob Landreth has attended all the meetings and has given the regulations a lot of thought, will the committee accept comment from someone from the public and would like to submit some suggested language and thoughts. Jay Grande said it would be helpful if the staff consolidate the thoughts and presented in advance of the meeting, so that they can be entered for the record. Matt asked that the document is made accessible to interested parties in addition to the committee.

**Harbormaster update on Army Corp Permitting and Massachusetts DEP implications:** John Crocker stated that he did not have any additional information at this point. He has been working with the ACOE. To move forward he would be seeking some sort of authorization from the Select Board. Lynne Fraker asked if the delay is by DEP or the Select Board. John stated that any delay is through seeking authorization from the Select Board.

The Harbor Use Permit submitted by RM Packer will be scheduled for February 24<sup>th</sup>, 2022, at 5:30pm.

After further discussion Matt Hobart made a motion to adjourn and John Packer seconded  
**(Voted 6-0)**