

People Present: Andrew Fischer, Jack Healy, Fergal Gharahi, Joe Russell, Virginia Russell, Carol & Bob Merry, Carol & Hank Goldberg, Jonathan Mayhew, Scott McDowell, Heather Sussman, Margaret Maida, Alex Preston, Marc Lovewell, Dennis Jason, Frank Fenner, Riggs Parker, Warren Doty, Tim Carroll, Susan Vahn, Jonathan Revere.

Meeting called together at 7:00 PM in the Selectmen's Meeting Room by Mr. Parker.

### **Youth Lot**

The Selectmen discussed a youth lot agreement with Andrew Fischer. Mr. Parker reported that he had spoken to the attorneys and had the agreement revised into a simpler document in keeping with the zoning bylaws and the Special Permit of the zoning board. The agreement was moved by Mr. Fenner and seconded by Mr. Doty on the condition that it met with Mr. Fischer's acceptance. SO VOTED: Three Ayes. The Board signed the document and gave it to Mr. Fischer with instructions to review it with Mr. Carroll and meet with the Zoning Board of Appeals.

### **Harbor - Slip 12 & 13 Assignments**

Mr. Parker read the draft minutes of the Harbor Advisory Committee.

Harbor advisory committee November 20,2006

Present: Paul Mayhew, Louis Larsen, Scott McDowell, James Morgan, Alex Preston

Other: Ted Mayhew, Judy Mayhew, Warren Doty, Riggs Parker, Heather Sussman, Hank Goldberg, Carol Goldberg, Louis Larsen, Dennis Jason, Tim Carroll

Mtg start 5:00 pm

Board elected Alex Preston as Chair for the meeting

Harbor Master Dennis Jason presented price for reworking floats behind Banjo and Escapade existing slips----approx \$60,000.00----no further discussion

Also presented plan for expanding slip 9.

Objections were raised concerning Banjo projecting too far into harbor - interfere with boats passing between slips and mooring

Discussion re pros and cons of assigning Hank Goldberg to west side of west dock

motion made and seconded to assign Banjo to west side of west dock conditional upon the following:

-banjo must move at request of Harbor Master if commercial fisherman needs to use dock

-slip fee to be decided by BOS range from \$3000.00 to \$7500.00

- if Goldberg should ever wish to purchase a larger boat, he must request approval from Harbor Master and Harbor Advisory

Passed 5 votes to none      Mtg adjourned 5:40PM.

Mr. Parker read an email from Mr. Congdon.

To: Chilmark Selectmen, Chilmark Secretary, Harbor Advisory Committee, Harbor Master

From: Bob Congdon

I would like to express my position regarding slip assignments and my dockage in Menemsha Harbor.

- 1) Simply put, I would like safe dockage for our 58' Long Range Cruiser with 50 amp power or 2-30 amp outlets, and a source of wash down water.
- 2) I have been a slip holder for about 35 years, or shortly after the fill dock was completed and I am not about to relinquish that space until such time as I leave the Island or are no longer capable to handle a boat.
- 3) I am trying to rent my home for the summer season, but I have nothing contracted at this time. Should my home be rented, we will take the boat to Maine.

This should correct any misstatement of facts as presented to you by Mr. & Mrs. Goldberg's (Banjo) letter of 11/21/06. I have requested a few weeks ago that Mr. Goldberg NOT speak on our behalf, and I request that if the town has any questions regarding our status that you contact us, directly. Respectfully, Bob Congdon.

Mr. Parker read a letter from Paul deJesus.

Frank,

I have read the article in the MV times about the Banjo and Escapade slips. Without knowing what the total discussion was at the meeting or who has really read all the Harbor Regulations I would like, if I may, to give you some food for thought before you make your decision, which could limit the harbor's use even more.

1. The Commercial Channel Dock is the only legal area in the harbor where transient boats over 50 feet can dock. Even though this regulation was broken all summer long, every other area a transient boat can dock has either a 45 or 50 foot limit. If the regulations are to be enforced this would leave very little dockage if any when the "Releamar" was in for boats of this size.

2. If you pull harbor receipts and check slip assignments you will find that Dennis regularly assigned transient boats in the 50 to 60 foot range to slips 12 and 13 of the East Side of Filled Dock, and how common this size transient boat is. This is against regulations because this dock is for residents or homeowners only and unless the boat docked there prior to 2005 has a 45 foot maximum. When asking Dennis about it this summer his response was basically that he deemed the two slips safe for boats in the 50 to 60 foot range, it was the owners of the "Banjo" and the "Escapade" that would not use them. He did not have much of a response for the 45 foot maximum

3. If the Escapade which docked on the north end of the Commercial Channel Dock last summer was to be assigned that dock and decided not to leave next year or sometime in the future for July and or August the "Releamar" which as you know is now grand fathered would have to go else where. This dock is regularly used by commercial fishermen in the summer to service their boats. This requires the boat in that spot to be available to accommodate them and move off the dock . Mr. Congdon left the island for over a week last July with no way to move his boat.

How often has commercial fishermen used the Commercial Channel Dock? Other than Stanley Larson's boats when he had to move off the Commercial Dock and boats changing fishing gear on the North side I can not remember any during the summer season. Isn't the issue really between resident and transient boats?

These points may have already been brought up in the discussion, but with the harbor being so highly regulated I thought it would be important information to have before any decisions get made that would favor any person or group over another. Sincerely, Paul DeJesus

Mr. Parker read a memorandum from the Harbor Master.

TO; BOARD OF SELECTMEN

FM. HARBOR MASTER

RE; MINUTES HARBOR REVIEW COMM.

DATE: NOVEMBER 27,2006

Gentlemen as you know the Chilmark Harbor Advisory Committee met on November 20, 2006 to discuss the creation of berths for the yachts "Banjo and Escapade" in our harbor. The advisory committee had three options before them ; 1.) to create a catwalk on the North end of the West Dock and removing four (4) floats from the float dock in order to make the slips deeper to accommodate Banjo and Escapade at a cost of about \$40,000 to \$ 50,000.

2.) To create a new slip on the West Dock by expanding the pilings on slip 9 and 8 and possibly 10 to accommodate "Banjo".

The 3,) option was to leave Banjo in the commercial/transient dock where she was last summer, although I don't recall much discussion about Escapade, but I assume she would also be placed on the same dock.

The minutes from the harbor Advisory committee seem a little vague as I recall on discussion regarding any restrictions to be placed on Banjo and Escapade while occupying the commercial/transient berths. This is what I recall and would recommend to the selectmen should the selectmen authorize the recommendation of the HAC.

1.) That both Banjo and Escapade move from the berths by request of the harbor master if the dock is needed for commercial use, although Escapade is not mentioned in the HAC minutes.

2.) Slip fee to be decided by BOS range from \$3000.00 to \$7500.00 (as in HAC)

3.) If Goldberg should ever wish to purchase a larger boat, he must request approval from harbormaster and Harbor Advisory. This is in HAC minutes, I would recommend that this should be changed to; the berths be limited to the present overall length of both yachts (Banjo-63ft and Escapade 66ft )

4.) I would also add that their placement on the dock be left to the discretion of the Harbormaster and that should either yacht relinquish their berth, the berth remain commercial/transient and may not be occupied for other use unless for an emergency situation authorized by the Harbormaster, BOS, and the HAC. These are my recommendations to the board of selectmen.

Mr. Fenner said that there was some confusion about making 14 slips where we have 13 ½ now. Mr. Doty said that there had been four meetings to discuss this issue and now we have a recommendation from the Harbor Advisory Committee. Mr. Doty said he would recommend a fee of \$7,500 from the Banjo, a maximum limit to the size of the current Banjo and Escapade. Mr. Doty made that a motion.

Mr. Fenner asked to add the Escapade to the motion and the Harbor Master's condition # 4 from his memo. Mr. Parker said that the Escapade needed to be included. Mr. Fenner said that once the Federal Anchorage lines were moved we could then use the north-end of the new floating dock to make more slips. Mr. Doty agreed to amend his motion to include the Escapade. Mr. Fenner seconded.

Jonathan Mayhew asked how much the Relamar paid a season for dockage. It was calculated at about \$5,280 for the month of August. Scott McDowell asked if slip 12 & 13 would be safe for the Banjo and Escapade as they are. Mr. Parker said that it was a matter of opinion. Mr. McDowell asked the Selectmen why they would double the fee from \$3,000 to \$7,500 plus the \$400 a season for the electricity when it was the town that changed the slips and nothing the tenants had done? Mr. Doty said that area of the harbor was set aside for 45 foot boats.

Margaret Maida asked what happens if Mr. Congdon does not want to pay the \$7,500? Mr. Parker said that the Escapade could use its existing slip assignment at the \$3,000 plus the \$400

electrical charge. Heather Sussman said that the town should not expect the Banjo or Escapade to pay as much as transients do. She said they are residents and taxpayers and they deserve consideration. Mr. Parker said that it was their choice to move.

Mr. Merry said that if the town moves the pilings, it could be setting up trouble when the slips are reassigned.

Mr. Goldberg said he understood the strong sense of the Harbor Advisory Committee to be that residents get preference over transients. He said he did not want to move his boat from the channel for a transient, but that he would be happy to move if a commercial fishing boat needed the space. He said that he was installing a bow thruster to make maneuvering in the channel safer. He asked that the Banjo not be moved around to make room for transient boats this summer.

The Harbor Master said he would like to position the Banjo on the Southern end of the channel dock to allow him the flexibility to rent out the space to the North. Mr. Parker said the Harbor Master should have that discretion. Mr. Mayhew said that Mr. Congdon would probably prefer to be on the North end of the dock where the Relamar docks instead of the channel. Flip Harrington said that they should take what they are offered or leave it. There was discussion about not moving the Banjo or Escapade to make room for transient boats. Mr. Doty said we should leave it at that. Mr. Jason said that he did not want to leave it at that. Mr. Parker said he didn't want to micro manage the Harbor Master. Mr. Fenner said that if both the Escapade and Banjo are using the channel dock, the Harbor Master should accommodate their wishes regarding location if possible. He said that it would only be necessary to move the Banjo when and if the Escapade was not there. Mr. Jason said that Mr. Congdon would probably want to berth on the end of the dock. Mr. Jason said he should take it or leave it.

The board restructured the motion to read:

1. That both the Banjo & Escapade must move from their channel dock berths at the request of the Harbor Master if the dock is needed for commercial fishing use.
2. The seasonal slip fee is \$7,500 for the channel dock for these two boats.
3. That these berth assignments are limited to the present overall length of the vessels (approx. 63 feet for the Banjo and 66 feet for the Escapade)
4. The placement of these vessels at the channel dock will be at the Harbor Master's discretion, and should either yacht relinquish their berth, that the berth revert to commercial fishing/transient use and it may not be occupied for other use unless for an emergency situation authorized by the Harbor Master.
5. The Escapade and Banjo have thirty days to choose between the channel or their current assigned slips (Slip 12 & 13). If they chose the slip, it will be at their own risk.

Mr. Goldberg told the Selectmen that the Banjo accepts the channel dock assignment. Margaret Maida told the Selectmen that it would be good if the Harbor Master took into consideration the fact that the Banjo has a professional Captain. Mr. Goldberg asked that consideration be given to residents over transients. Mr. Jason agreed to not move the Banjo or Escapade to make room for transients unless one of the two vessels are out.

Mr. Doty moved and Mr. Fenner seconded a motion to adopt the five points. Mr. Parker said that he had differed with the Harbor Advisory Committee on this, but all the issues have been discussed and he supported their recommendation. SO VOTED: Three Ayes.

### **Harbor - Mooring Applications**

Mr. Mayhew objected to the need for Lat/Long coordinates on the mooring applications. He pointed out that all the moorings have been hauled at this point and they would not be able to GPS them until they were put back in the water this spring. He said that people are paranoid about filling out these forms correctly after the way the town removed so many people from the list for other

omissions. He suggested that this should not be a requirement in the future.

Mr. Parker said that the town would not be upset if people did not fill out that section of the mooring application. Mr. Fenner asked the Harbor Master if he could print out the information the town had on the boats so that people could just make corrections and updates in the future.

Mr. Parker said that since it can't be done, lat/long would not be required this year. Mr. Mayhew said it shouldn't be necessary at all.

### **Schedule**

Mr. Carroll asked to reschedule the January 16<sup>th</sup> Selectmen's meeting to January 23<sup>rd</sup> 2007. The board agreed to reschedule that meeting.

### **Public Safety Grant**

Mr. Doty moved and Mr. Fenner seconded a motion to authorize the Executive Secretary to sign a grant application contract with the Commonwealth for the TriTown Ambulance to acquire goods and services associated with the upgrade to the island computer aided dispatch systems. SO VOTED: Three Ayes.

### **Hunting**

Mr. Carroll told the Selectmen that he had not given any written permission to hunt the Middle Line Road because of the survey and wetlands work being done at this time. The Selectmen directed the Conservation Officer to finish the flagging of the wetlands as soon as possible and to not permit hunting this week until it had been done.

### **Vineyard Transit Authority- shortfall in assessments**

Mr. Doty said that this was a state mistake and the state should fund the shortfall.

Meeting was adjourned at 8:15 PM.

APPROVED: December 20<sup>th</sup> 2006