

The Tisbury Board of Selectmen met in a Special Emergency Session on Monday, October 6, 2014 in the Tisbury Town Hall.

Present: Jonathan V. Snyder, Chairman; Tristan R. Israel; Melinda Loberg, Clerk; John W. Grande, Town Administrator and Aase M. Jones, Assistant to the Town Administrator.

Also Present: Harbormaster John W. Wilbur, III; Liz Wild, General Manager, Vineyard Haven Marina; Morgan Douglas and Robert Douglas, Coastwise Wharf/Black Dog Tall Ships; Nat Benjamin, Gannon and Benjamin; Michael Jampel, Harbor Management Committee, and others.

Call to order: 5:30 p.m. by Chairman Jonathan Snyder.

Emergency Meeting Justification: Mr. Snyder noted that this emergency meeting was called to address certain issues related to the grant application supported by the Town, to Coastal Zone Management, due tomorrow, to fund the acquisition of a pump-out vessel and the specific terms and conditions of that application which was discussed and supported in a motion (by Mr. Israel) and voted by the two members of the Board present at the meeting on September 30<sup>th</sup>. It was noted that some discussion about the actual language and intent of the motion to support that grant application has resulted in the current meeting being called today to clarify the intent of the motion in order to file the proper and correct application for the grant by the deadline of October 7<sup>th</sup>.

Mr. Snyder pointed out that the Board members present, Messrs. Israel and Snyder voted the motion by Mr. Israel, based on discussions preceding the motion about the purpose of the grant and which local business entities would be participating and share in the benefits to be derived if the grant application is approved for the purchase of another pump-out vessel for commercial use in the harbor. Mr. Snyder explained further that over the weekend some concerns have been expressed and surfaced about other issues related to the application and its actual intended purpose.

Mr. Israel then stated that his motion, albeit vague and not completely clear, was based on the discussion preceding the motion, which was that if the application for the acquisition of another pump-out vessel was approved by Coastal Zone Management, the vessel would **not** be solely for pump-outs of the commercial Black Dog vessels - the *Alabama* and the *Shenandoah*, adding that if that had been his intent, he would have said so in the motion. Mr. Israel then confirmed that it was his intent and his understanding that this vessel, if approved for funding, would be for use by several harbor businesses for pump-outs, including Coastwise Wharf, Vineyard Haven Marina and Gannon and Benjamin.

Mr. Grande then commented that there are outstanding issues related to who will share the services to be provided by a new pump-out vessel if funded by CZM, including maintenance and service costs of operating the vessel - which have not been resolved and remain to be considered and discussed further.

Mr. Grande continued by stating that the Harbormaster has made it clear how difficult it is to navigate the Town's pump-out vessel within the congested area of the harbor, noting that the Harbormaster's main concern is the management and safety of operating the pump-out boat. He suggested further that it would be nice to achieve the Harbormaster's goals in this area, adding that the Harbor Management Committee also had a role in this, but noted that he is not certain how the Harbor Management Committee got involved in the application to be filed for the Coastal Zone Management grant to meet the October 7<sup>th</sup> deadline for the filing of the application.

Mr. Grande noted further that the Harbormaster also said that what is needed is not just a pump-out boat for commercial entities but fixed land-based facilities at the different commercial facilities in the harbor, and concluded by asking the question about whether the acquisition of another pump-out vessel would satisfy the Town's January 1, 2015 deadline requirement that commercial businesses provide a pump-out facility for the vessels being served by the various harbor establishments. Mr. Grande stated that he does not want to go down this road "blindly", but noted that he is optimistic about reaching a resolution, pointing out that the Town has an opportunity here to submit a grant application to Coastal Zone Management to provide funding for a commercial pump-out vessel that could serve the various commercial harbor businesses.

Mr. Israel then stated that he would like to see the harbor businesses working cooperatively together to resolve issues, adding that another pump-out vessel will cost money to operate and service. Mr. Israel noted further that the deadline to submit the grant application for this commercial use pump-out vessel is tomorrow, and reiterated that the intent of his motion was as he said earlier, that the vessel should be shared and used by all harbor waterfront-related businesses serving vessels within the harbor.

Mr. Israel commented further that the Harbor Management Committee is usually asked to make recommendations to the Board of Selectmen and that the Selectmen consider the committee's recommendations, which in this case included a recommendation to establish a deadline for marinas and other establishment servicing vessels to meet a January 1, 2-15 deadline to provide pump-out services for their clients. Mr. Israel noted that the Board approved this recommendation and added it to the Waterways Regulations at a hearing in January this year.

Mr. Israel questioned why the Town would support filing a grant application that would only serve one business - the Coastwise Wharf/Black Dog for the *Alabama* and the *Shenandoah* Tall Ships.

Mr. Snyder inquired what issues we need to resolve to submit the grant application as voted by the Board in Mr. Israel's motion from the meeting of September 30<sup>th</sup>.

Mr. Grande noted that a letter from the Department of Public Works should be included regarding the disposal of effluent from the pump-outs.

Assistant Administrative Harbormaster John Crocker noted that he has prepared two complete applications, each one to address a different set of circumstances, as discussed. It was agreed that the application referencing the sharing of the vessel between the various commercial marinas and business entities serving visiting vessels will be the application submitted to Coastal Zone Management tomorrow, October 7<sup>th</sup>.

Ms. Loberg apologized for not being present for the September 30<sup>th</sup> discussion on this issue, as she attended and participated in the first of the Planning Board's Visioning Sessions at the Senior Center that evening. She continued by stating that over time there has been much discussion about how the Town requirement can be met that pump-out services must be provided by any business providing marine services to boaters by January 1, 2015.

Ms. Loberg then stated that if the Town wants to acquire a pump-out boat that can be used for commercial entities, it should do so, adding that this would provide flexibility to services offered. Ms. Loberg continued by stating that the Harbor Management Committee was informed about the availability of the grant for this purpose and was asked to discuss this issue.

It was noted that an informal agreement to share costs is intended to enable commercial harbor businesses to come into compliance with the Tisbury Waterways Regulations requirement that pump-out services be provided by any business serving boaters in the harbor by January 1, 2015. Ms. Loberg commented further that if this is so, the Town should proceed to support and file this application to CZM to fund the purchase of another pump-out vessel for the stated purpose - to serve the commercial entities in the harbor and to let anyone business wanting to participate have the use of this vessel while also providing services and financial support for its operation. Ms. Loberg continued her comments by stating that there are mixed reports on what can be done at Owen Park to dispose of effluent from such pump-out, since there is no sewer connection at Owen Park.

Mr. Snyder commented that he understands that acquisition of another pump-out boat for commercial purposes and use is only part of the solution - not the entire solution to this problem, adding that he also understands that all commercial interests who worked on this and agreed to participate could do so. He concluded by acknowledging that in the final analysis we may not get this grant.

Ms. Loberg added that even if we do get the grant the Town could say no and decline acceptance (of the grant).

After further discussion, Mr. Israel acknowledged that the intent of his motion was for the Town to file and support the submission by October 7<sup>th</sup>, of an application to CZM for a pump-out boat grant, to provide pump-out services that would include everyone wishing to participate at their respective establishments.

It was stated that the Town should make sure to keep its options open. Ms. Loberg stated that she is happy with the motion made by Mr. Israel.

It was further noted that a \$16,000 match is required if awarded the grant. Harbormaster Jay Wilbur stated that the partners that are contributing toward the matching funds required must be identified.

Administrative Assistant Harbormaster John Crocker stated that he has letters of support from Gannon and Benjamin, Vineyard Haven Marina and Coastwise Wharf (Black Dog Tall Ships).

Ms. Loberg commented that the Town is committing to an unknown future expense within the Harbor department.

Mr. Snyder stated that the support expressed by the commercial harbor front businesses includes support for maintenance and operation of the vessel.

Mr. Crocker commented that just because we have another pump-out boat does not necessarily mean that we will have more effluent.

Harbormaster Jay Wilbur commented that we must still dispose of the effluent via Mr. Packer's facility at Tisbury Wharf, and continued by describing as unreasonable, our expectation that Mr. Packer will continue to take the effluent at his site. Mr. Wilbur added that Mr. Packer has not asked for or charged any fees or operating costs for allowing use of his facility for the disposal of effluent from the Town's pump-out boat(s). He reiterated that Mr. Packer has never done that - at least so far.

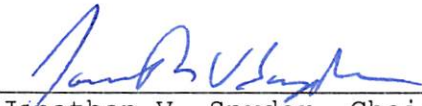
Mr. Israel commented that if Mr. Packer's facility is closed down for any reason, the Town has no option to dispose of pump-out materials.

Mr. Wilbur stated that he will continue to pursue dockside facilities.

Ms. Liz Wild, General Manager of Vineyard Haven Marina, stated that Mr. Ralph Packer has been very generous to allow the use of his dockside effluent disposal facility, by all harbor related businesses, including the Town.

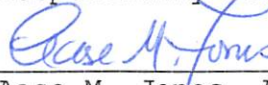
In conclusion, Chairman Snyder stated that he does not think another vote is necessary to clarify the intent of Mr. Israel's motion at the September 30<sup>th</sup> meeting of the Board, as it now seems clear that Mr. Israel wanted the Board to support an application to the CZM for a pump-out vessel that will serve and meet all commercial interests in the harbor. The Selectmen concurred.

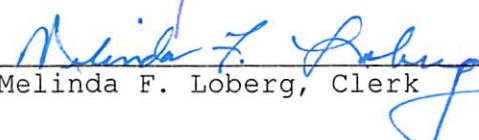
Motion for Adjournment: 6:05 p.m. M/s/c.

  
Jonathan V. Snyder, Chairman

  
Tristan R. Israel

Respectfully submitted,

  
Aase M. Jones, Asst. to Town Adm.

  
Melinda F. Loberg, Clerk