

Newburyport Harbor Commission
City Council Chamber
October 13, 2011
Minutes

1. Call to Order

A regular meeting of the Newburyport Harbor Commission was called to order by chair Brad Duffin at 7:05 p.m. In attendance were Brad Duffin, Neil Bleicken, Bob Dow, Steve Hines, Paul Dahn, Andrew Casson, Steve Hines, Jamie Knapp and Justin Dutcher.

2. Minutes

Andrew Casson moved to approve the minutes of the September meeting as amended. Jamie Knapp seconded the motion. The motion was unanimously approved.

3. Docking of Commercial Vessels West of the Central Embayment

Brad Duffin said that Jim Ford, captain of the *Lisa Ann II*, has asked the Waterfront Trust to be allowed to tie up his boat to the bulkhead pilings west of the embayment between October 15 and January 1. He spoke to Trustee Joe Brown about his concerns before the Trust's October meeting, which he had hoped to attend. City Councilor Bob Cronin sent an email to Andrew Flannigan, Paul Hogg and Brad Duffin stating that the *Lisa Ann II* docks with her stern up river, allowing water and ice pressure to be exerted on the boat's flat transom, and damage to the central waterfront could create serious issues for the City. Brad Duffin responded by email that he supports the fishing community but not to the detriment of the public infrastructure. He asked Andrew Casson to represent the Harbor Commission at the Waterfront Trust meeting and express the Commission's vehement opposition to allowing the boat to tie up to the pilings. Andrew Casson reported that Cliff Goudey questioned the Harbor Commission's interest in the Trust's infrastructure. When he responded that it would be detrimental to the City to repair any damages that might be caused to the pilings, Mr. Goudey said the boat was insured. Mr. Casson told the Commissioners that the Trustees agreed the Harbor Commission would be asked to contribute to the cost of repairs. He also said Bill Harris and Joe Brown brought up an agreement between the City and the State which was a condition of funding and which prohibits commercial fishing boats from tying up outside of the embayment at any time, although they may use the embayment between October 15 and April 15. Mr. Harris recommended that the matter not be brought to the attention of the State until after Jim Ford vacates the area in January. Andrew Casson said Jim Ford indicated he would be open to another solution if there were one. The Trustees discussed the possibility of tying the boat to a float, an idea Mr. Goudey rejected, stating a float would transfer the load to the mid point of the pilings, which might not be supported, and the use of a float would push the boat into the stronger currents and potentially expose it to ice flows. The Trustees, with the exception of Joe Brown, voted to allow the *Lisa Ann II* to tie up to the pilings to the west of the embayment beginning on October 15.

Brad Duffin read from an email sent to Andrew Flannigan, Geordie Vining, George Hilton, Jim Ford, Bill Harris, Donna Holaday, Bob Cronin, the *Daily News* and himself by Cliff Goudey. Mr. Goudey said: 1) Jim Ford has never caused damage to Trust property and he contributed monetarily to the piling repairs in 2004 and 2005; 2) the bulkhead can be safely used without damage to infrastructure; 3) the Trust collects rent to maintain the bulkhead; 4) the Harbor Commission has refused to contribute to bulkhead repairs; 5) docking bow into the wind

presents less of a concern; 6) the Karp property protects the bulkhead to the west of the embayment from ice flows and currents; 7) it is incumbent on all to support the fishing industry; and 6) Jim Ford would leave the City if he were not allowed to tie the *Lisa Ann II* to the pilings.

Brad Duffin said the Waterfront Trust does not take the Harbor Commission seriously. He said anything in the water, regardless of where it is tied, is under the jurisdiction of the Harbormaster. Andrew Casson said he does not think he stated the Commission's opposition strongly enough at the Waterfront Trust meeting and the Trustees were swayed by the fact that Paul Hogg said he was not opposed to the boat tying to the pilings. Brad Duffin said Paul Hogg has told him he did not have full knowledge of the Commission's concerns and he now understands the group's position on the issue. Neil Bleicken pointed out that Cliff Goudey and the other Trustees were invited to attend the Commission's meeting but did not choose to do so. He added that the agreement with the State would supercede the decision by the Trust. He said the Commission has an advisory roll and the members should convey their opinion to the Mayor. Brad Duffin said he plans to express his concerns to the Mayor in a meeting. Paul Dahn said the Commission should work cooperatively with Waterfront Trust to help the fishing industry and should seek an engineering solution to the problem. Andrew Casson recommended that a study be done at the end of the season to determine if the boat has caused any damage.

Bob Dow said Vine Associates took underwater photographs as a part of its 2010 study of the bulkhead and pilings. He recommended that the specs of the *Lisa Ann II* be sent to Vine Associates for an opinion on the matter. Brad Duffin said an opinion from Vine Associates would be moot, as the Trust has made its decision. He said the Commission is on record as being opposed to the tying up of the boat to the pilings. Andrew Casson moved that the Harbor Commission or Harbormaster contact Vine Associates, referencing the report and asking for an opinion about the *Lisa Ann II* tying up directly to the pilings and the response be conveyed to Mayor Holaday along with the Harbor Commission's opinion on the issue. Neil Bleicken seconded the motion. Paul Dahn amended the motion to include that Vine Associates should be asked for any recommendations on alternative solutions. The motion was unanimously approved as amended. Brad Duffin asked Jamie Knapp prepare a letter to Vine Associates.

4. Committee Assignments

Brad Duffin reviewed the chairs and members of each committee. He asked if some of the committees might be combined, saying the importance of the committees become diluted if there are too many. He said he thinks there should be four rather than five committees. Each committee should meet outside of the regular meetings, as that is where the work is done, and give a report each month. Andrew Casson said the Coast Guard committee should now be an official rather than an ad hoc one. It was decided there would be four committees: regulations and safety and moorings, which includes compliance; Coast Guard and public relations, which includes media; long-range planning, which includes change management and technology; and finance. Each committee may have only three members. Commissioners should select the two or three committees of which they would like to be a part for discussion at the next meeting.

5. Election for Position of Secretary

Neil Bleicken's term as secretary is coming to a close. Commissioners should be prepared to make nominations for the position at the next meeting.

6. Harbormaster's Report

Andrew Casson said Paul Hogg reported:

- he is working to collecting outstanding excise taxes and is preparing to go to court for 2011 citations.
- the docks were taken out of the water on October 28.
- the docks were full and Cashman Park was busy over the Columbus Day weekend.
- all commercial boats have paid in full for the 2011 season.
- the Plum Island restrooms are scheduled to be winterized in two weeks.
- a significant amount of revenue has been collected at the Cashman Park lockbox.

7. Finance Committee Report

Andrew Casson said the income for the year was approximately \$124,000 and expenses were close to \$111,000. Income from Cashman Park for the month was up 33% from the same period last year. The City auditors department had incorrectly reported credit card revenue as interest on investments.

8. Adjournment

Bob Dow moved to adjourn the meeting at 8:45 p.m. Steve Hines seconded the motion. The motion was unanimously approved. The next regular meeting of the Harbor Commission is scheduled for November 10 at 7:00 p.m.