

## **Newburyport Harbor Commission**

City Council Chambers

December 17, 2013

Minutes

### **1. Call to Order**

A meeting of the Newburyport Harbor Commission was called to order by Chair Brad Duffin at 7:00 p.m. In attendance were Brad Duffin, Bob Dow, Andrew Casson, Steve Hines, Paul Dahn and Jamie Knapp. Also in attendance was Harbormaster Paul Hogg.

### **2. Minutes**

Jamie Knapp moved to approve the minutes of the November 14, 2013 meeting as amended. Andrew Casson seconded the motion. The motion was unanimously approved.

### **3. Discussion on Subcommittee Meeting with Waterfront Trust**

Jamie Knapp said the subcommittee met with Joe Brown and Scott Sutherland of the Waterfront Trust to review the lease proposal. He said the Trustees believe the Trust owns the embayment and they wish to lease it to a fishing vessel operated by Joe Grady, who owns the Clipper Fleet. Mr. Knapp said the subcommittee was told by the Trustees in the meeting that the Harbor Commission would retain ownership of the east side of the embayment but according to the lease agreement this area would be used by a water taxi. The Trust and the NRA have jointly hired Everett Chandler to prepare a survey of the waterfront, which they plan to file with the Registry of Deeds. The embayment is shown on the survey as being owned by the Waterfront Trust. Andrew Casson said that under the Declaration of Public Trust, which was filed in 1992, the Trust is the only entity authorized to collect fees for docks, piers, wharfs, floats and other moorings. This is in conflict with the purview of the Commission as put forth in the City Ordinance and with the laws of the Commonwealth. The Commission might request that the Mayor instruct Kopelman and Page to research the discrepancy between the laws.

The Waterfront Trust has adopted the position that the vessel Joe Grady would dock in the embayment is not commercial one, as it would make boating accessible to members of the public who do not own boats. Paul Hogg said the Massachusetts Environmental Police and the National Marine Fisheries Service have confirmed that the fleet owned by Joe Grady is by definition a commercial one because it is used to conduct fishing charters for profit. The City ordinance defines a commercial vessel as one that holds a National Marine Fisheries Service permit. Commercial fishing vessels are not allowed in the recreational boating embayment. Brad Duffin said the Harbor Commission has no interest in expanding the influence of the Waterfront Trust along the bulkhead and into the recreational fishing embayment. He asked Paul Hogg to express this to the Mayor at an upcoming meeting he has scheduled with her. He also said the Harbor Commission subcommittee must stress to the Waterfront Trust subcommittee that the Harbor Commission does not wish there to be any changes with regards to the bulkhead and floats. Jamie Knapp moved that it would be in the best interest of the city to keep the embayment open to transient boaters between April 15 and October 15 under the

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management of the Harbormaster. Andrew Casson seconded the motion. The motion was unanimously approved.

**4. Transient Boaters' and Harbormaster's Facility Update**

Paul Dahn said a kick-off meeting would be held after the beginning of the new year. He will have more information at the January meeting.

**5. Discussion on Dock Fees**

A discussion on the dock fees was tabled until the January meeting.

**6. Subcommittee Reports**

**Finance Committee**

Andrew Casson said he and Paul Hogg are working to prepare the draft budget.

**Coast Guard Liaison/Communications Committee**

The presentation of the Cashman Award will take place on Friday, December 20.

**7. Harbormaster's Report**

Paul Hogg reported that:

- a worker fell into the water at the Whittier Bridge shortly after a training session on policies and procedures with the Coast Guard took place. He received a letter from the project's Safety Director on the effectiveness of the training. An additional training session with the Coast Guard and Fire Department has been scheduled for December 19.
- the work to repair the bulkhead has begun. The sheet pilings should be received around December 20.
- he has been working on the data base for the waterways permits and preparing for the 2014 boating season.
- towers are being installed on the north and south side of the north navigation channel at the Whittier Bridge. Equipment to install the towers has reduced the width of the channel but has not blocked it. The equipment should be removed by March 1. The towers will be well lit and lights that correspond with the relocated channel will be installed on the bridge.
- he has received approval for the placement of a recycling bin near his shack for the next season.

**8. Adjournment**

Jamie Knapp moved to adjourn the meeting at 8:00 p.m. Paul Dahn seconded the motion. The motion was unanimously approved.