

**Regulations Review Committee**  
**Kyrouz Auditorium City Hall 9 Dale Avenue**  
**Gloucester, MA 01930**  
**March 20, 2014**

**MINUTES**

**Present:** Tony Gross, Ralph Pino, Cate Banks and Jim Caulkett

**Also Present:** Jim Bordinaro

Chairperson Banks opened the meeting at 3:01 P.M.

Agenda items were taken out of order.

**Item Two: Article IV Section 10 Designated Mooring Areas B. Limited Access Mooring Areas – discuss minimum vessel size and characteristics for Areas**

The committee reviewed the sizes of vessels currently permitted in the Salt Island and Essex Bay mooring fields and determined that specifying vessel size and characteristics was not warranted.

**Item Three: Article IV Section 11 Designated Anchorage Areas E. Transient Vessel – clarify definition**

The committee reviewed the fact that there is a definition for “Transient Vessel” in Article IV Section 7 C. Discussion followed resulting in the following;

**MOTION** On a Motion by Ralph Pino, seconded by Tony Gross it was unanimously voted to recommend to the full board that the heading in Article IV Section 11 Sub paragraph E. “Transient Vessel” be deleted and replaced with “Promotion of Tourism”.

**Item Four: Article IV Section 3 Waiting Lists A. Requirement – discuss limiting number of mooring areas applicants may select.**

The committee discussed the perceived size of the mooring wait list. Jim Caulkett reported that because applicants have been allowed to check off as many mooring fields as they chose to, the result is that there is an appearance that there are more than one thousand people waiting for a mooring when in fact the true number is somewhere in the four hundred range. This practice has also bogged down the process of issuing available mooring spots because individuals on multiple location lists are sometimes contacted for a number of spaces in areas that are not a priority for them. The committee and Harbormaster agreed that applicants should be limited to selecting only a few mooring areas. There was a long discussion regarding limiting applicants to select only a few mooring fields and also a possible fee structure change. Currently there is an annual \$10.00 renewal fee to be on as many lists as desired. The committee discussed going to City Council to approve a fee structure for applicants who wish to be included on more lists than the proposed minimum.

**Motion** On a motion by Ralph Pino with a second by Tony Gross it was voted two in favor (Ralph and Tony) one opposed (Cate) to recommend to the full board that applicants be limited to selecting only two mooring areas when placing their name on the wait list for the current annual \$10.00 renewal fee. Further, to have the Waterways Board seek permission from City Council to establish a \$20.00 annual renewal fee for each additional mooring field selected, up to a limit of three. Resulting in a limitation of being on up to a total of five mooring lists for a total fee of \$70.00 annually. This process is to also apply to current wait list applicants when the next renewal notices go out.

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### **Item Five: Article VII Section 5 Waiting Lists**

The committee discussed the fact that this section of the regulations does not include clear notification language for when an applicant is offered a slip at one of the city's commercial marinas.

**Motion** On a motion by Tony Gross with a second by Ralph Pino it was unanimously voted to recommend to the full Board the following proposed change to Article VII Section 5 Waiting Lists.

Delete sub paragraph C, which reads as follows:

When such time arrives that a slip space becomes available, the eligible applying tenant must present documentation that confirms his/her active status as a commercial fishing vessel. For example; a current season fishing permit/license, current fish sales ticket and/or proof to establish fishing activity. Applicant must also provide proof of insurance.

Replace with the following proposed revised language for sub paragraph C:

When a slip space becomes available the first person on the wait list will be notified by the Harbormaster via certified mail. Said person shall have twenty one (21) days, from date of postmark, to respond to the Harbormaster. The eligible applying tenant accepting said space must present documentation that confirms his/her active status as a commercial fishing vessel. For example; a current season fishing permit/license, current fish sales ticket and/or proof to establish fishing activity. Applicant must also provide proof of insurance

Also discussed was a minimum vessel size requirement and fee structure clarification. It should be noted that the rental fee calculation below has been in practice for many years and it was the desire of the committee to formalize the practice by outlining it in the regulations.

**Motion** On a motion by Cate Banks with a second by Ralph Pino it was unanimously voted to recommend to the full board that the appropriate action be taken to add the following requirement to the Policies, Rules and Regulations;

Insert in Article VII Section 2 Management Policies the following new sub paragraph

### **D. Standardization of Slip Assignments and Rental Fees**

Slips are available for vessels with a minimum length of 28 feet and a maximum length of 42 feet. As of April 2014 tenants with vessels not conforming to this requirement are allowed to continue tenancy. The minimum per foot monthly rental fee shall be calculated based on the maximum length vessel that the slip can accommodate.

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### **Item One: Article IV Section 10 Designated Mooring areas subsection B. Limited Access Areas**

The committee discussed the fact that the mooring area known as Eastern Point was temporarily left in the Limited Access Areas section of the regulations by a vote of the Board at the last meeting. The Board referred to committee that a possible special designation for this mooring field be considered for inclusion in the regulations. Facts were presented on the historic use of the mooring field outlining that for many years it has been required that a person seeking a mooring in this area must be a member of the Eastern Point Yacht Club. All research to date indicates that the Office of the Inspector General and the DEP are of the opinion that it is up to the local Harbormaster, any advisory Board that may exist and the local legal counsel to determine if a special designation is to be allowed in a particular community.

The committee agreed that two members, Ralph and Tony, would individually draft proposed language to create such a special designation that included a proposed geographical area to define which part of the Eastern Point mooring field would be placed into the special designation. There is also to be included; language requiring permittees in the area to comply with all mooring regulations as well as stipulations outlining what the Eastern Point Yacht Club will be offering the public if such a designation is created by the Board.

### **Item Six: Prioritize any other Policies, Rules and Regulation issues that need to be discussed at future meetings** The committee will continue work on Item One.

**Item Seven: Continuing and unanticipated business** Cate reminded the committee that there was a vote of the Board to allow the south westernmost slip of the St. Peter's Commercial Marina to be designated for pick up and drop off under similar restrictions to the city public landings. Cate will work with Jim Caulkett to draft language that will be voted by the board for inclusion in the regulations after the Board holds a public hearing.

Meeting adjourned at 5:19 P.M.

Respectfully submitted,

Cate Banks