



# Town of Barnstable

## Waterways Committee

1189 Phinney's Lane, Centerville MA 02632

[www.townofbarnstable.us](http://www.townofbarnstable.us)

### Waterways Committee Meeting Minutes November 19, 2024

A meeting of the Town of Barnstable Waterways Committee was held via Zoom as approved by the Town Manager with the Committee's approval.

#### **I. Call to Order:**

The meeting was called to order at 7:00 PM by Chairman Greg Egan. The quorum was confirmed and Greg Egan read the following notice at the beginning of the meeting. NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on Town of Barnstable's Government Access Channel and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known.

The beginning of this meeting was not recorded by error.

#### **Roll Call:**

Board Members present: Greg Egan, Chairman  
Gary Shramek  
Todd Walantis  
Jacob Angelo

Board Members absent: Paul Everson

Town Staff Present: Derek Lawson, Director  
Brian Taylor, Harbormaster (HM)  
Jay Horn, Deputy Harbormaster (DHM)  
Pam Swider-Cohen, MEA Principal Dept. Assistant

Town Council Liaison: Paul Neary

Public: Paul Revere and Chip Niehoff (together), John O'Day

#### **II. Meeting Minutes:**

1. October 22, 2024, Waterways Committee Meeting Minutes. A motion was made by Greg Egan and seconded by Todd Walantis to approve the October 22, 2024 meeting minutes as written: all in favor of accepting minutes as written.

### **III. Notices of Intent (NOI):**

**1. Oyster Harbors Yacht Basin Realty Corp., 122 & 182 Bridge Street, Osterville, MA 02655, Map/Plat (#122) 093/009 and (#182) 093/027. The applicant proposes to perform maintenance dredging. Maintenance dredging was previously authorized in 2015 under SE3-4405. The proposed work will be performed by a crane or excavator from a barge. Material will be off-loaded and dewatered in the parking area to the north of the barns on the west side of the bridge and brought to a suitable upland location. The area around the travel lift, which is the most critical component of the marina operations and may require more frequent maintenance efforts, could be performed from the land on the travel lift pad.**

Pre Noi – No issue with Waterways Committee members or Harbormaster staff.

#### **2. Pre-NOI Hyannisport Civic Association, phase 2 rebuild Proposal.**

Discussion was held with John O'Dea and the committee members regarding the proposed relocating some pilings. Committee members agreed the project would be maintaining its existing footprint and just altering the layout to accommodate for the sand buildup and all within the existing outer L of the pier. The Deputy Harbormaster, Jay Horn noted that there were no issues with navigation here.

A motion was made by Greg Egan and seconded by Todd Walantis to approve the Pre-NOI for the Hyannisport Civic Association; phase 2 rebuild Proposal as submitted: all members voted in favor (Greg Egan, Todd Walantis, Gary Shramek and Jacob Angelo).

**3. Request for Amended Order of Conditions; Town of Barnstable, Bismore Park Bulkhead Repairs, the proposed work as part of this amended request includes the replacement of the existing utility service lines from the Pump House to the bulkhead tie-ins for the public pier utility services (+/- 570 LF). The existing water lines and pier pedestals at the project site are currently unserviceable and require full replacement in preparation for the future electrical lines. The utility work as part of this amendment will be performed entirely landward of the bulkhead.**

Brian Taylor, Harbormaster explained that the water lines at Bismore Park would be replaced as part of the Chapter 91 that is to be filed, as well as redoing some of the bulkhead at Bismore Park. This is all landward and only replacing the water lines.

A motion was made by Greg Egan and seconded by Todd Walantis to approve the Request for Amended Order of Conditions; Town of Barnstable, Bismore Park Bulkhead Repairs, as submitted: all members voted in favor (Greg Egan, Todd Walantis, Gary Shramek and Jacob Angelo).

**IV. MOORING APPEALS:** None.

**V. OLD BUSINESS:**

**1. Mooring regulations.**

The Deputy Harbormaster, Jay Horn explained to the Committee that the changes which were made to the Mooring Regulations will be held at a Town Manager hearing. The Waterways Committee approved of these changes in the past. The division will be moving forward in the process right now. There will be a Public Hearing on December 9<sup>th</sup> at 10 a.m. in the Selectmen's Room of Town Hall and will be opened to the public for comment, listen to any concerns that people might have about the changes. Then they will officially go to the Town Manager where he can sign off on them. There is a waiting period of 30 days once he signs these and puts them into effect. They go to the Town Council. It's a formality but 30 days after signature, they will go to effect. It's good timing for the department because it could be effective by January 15<sup>th</sup> which would be right at the beginning of the mooring renewal season.

**2. Marina Fees.**

The Harbormaster, Brian Taylor explained to the Committee that the Town Manager held a calendar year fee hearing on November 12<sup>th</sup>. Marina fees were included at the fee hearing. It will take approximately 30 days to review and get comments from the public, and then we'll determine the fees at that time. I should have a further update at the Waterways Committee Meeting in December.

**VI. NEW BUSINESS:** None.

**VII. CORRESPONDENCE:**

**1. Paul Phelan email regarding mooring usage.**

As Mr. Phelan was not available to attend the meeting this evening, the Committee decided to defer this until Mr. Phelan is available to speak on it. This item will be put on the agenda for the next meeting. All the members agreed to defer this and let the record show.

**2. Paul Revere III response letter regarding AGL's Mooring Servicer License.**

Due to potential conflicts of interest concerns, Chairman Greg Egan recused himself and appointed Todd Walantis (Walantis) to act as Chairman in this proceeding.

There was confusion as to whether this was to be taken up as Correspondence or as an Appeal of the termination. Acting chairman, Walantis stated that the Harbormaster

had the right not to renew the license and that the Harbormaster presented nine (9) items to why they were not renewing. However, Walantis was unsure the appeal could be heard under correspondence. The Harbormaster, Brian Taylor stated that this item was an appeal and could be heard tonight.

After lengthy discussions about this matter the following summary of events took place: Attorney Paul Revere III (Revere) noted they received a letter of termination for his client AGL Mooring. Revere confirmed the Harbormaster office submitted their evidence via by letter and that they were appealing the decision to terminate the license. Harbormaster, Taylor noted the appeal was filed correctly. Revere argued that the letter was incomplete as far as an explanation and there was not enough evidence to support termination. Revere proceeded to address all (9) nine items presented in the letter. Revere disputed some of the items addressed in the letter; specifically, how it pertains to the regulations, client payment and mooring usage. Deputy Harbormaster, Jay Horn (Horn) presented a statement on the process of this termination, referencing Town of Barnstable Mooring Regulations. Horn also presented his evidence (images, invoices) and discussed specific cases/incidents to why a termination of the license was made. Committee member Jacob Angelo addressed Chip Neihoff directly. Chip Niehoff addressed the committee and Mr. Angelo. Todd Walantis (Walantis) made a brief comment on the termination and supporting the Harbormaster office. Director, Derek Lawson, gave some information on voting formality due to Mr. Angelo not feeling comfortable voting on the agenda item until he reviewed it. Mr. Angelo asked to leave public comment open. Gary Shramek made a motion to list the item as an agenda item, Jacob Angelo seconded. Jacob Angelo made a motion to continue this topic an agenda item for the next meeting which was seconded by Gary Shramek. All the members agreed to put this on the agenda for the December 17, 2024, meeting (continued).

Greg Egan took over as Chairman at this time.

(This summary was interpreted by Brian Taylor and is not the full report of all items discussed, or things said).

## **VIII. HARBORMASTER REPORT**

Deputy Harbormaster, Jay Horn discussed that the Harbormasters office is busy. We have off-season dockage available at our Marinas. He gave a quick update on Aids to Navigation and the process the Harbormaster office goes through to remove these Aids to Navigation. He also stated that mooring renewal season is around the corner.

## **IX. MATTERS NOT REASONABLY ANTICIPATED BY THE CHAIR: None**

**X. ADJOURNMENT:** There being no further business, motion to adjourn by Todd Walantis and seconded by Gary Shramek, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Brian W. Taylor  
Harbormaster  
Town of Barnstable