

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

MARCH 14, 2006

A meeting of the Waterways Management Committee was duly called and held on Tuesday, March 14, 2006 at 7:00 p.m. The meeting was called to order by the Chairman, Norman Peloquin. The following were present: Mr. Peloquin, Robert Metcalf, Warren Hathaway, Roger Race, Ira Perry and Chris Hemingway. Absent was Mr. Gerald Hickey. Also present was Mr. Steven Melo, Harbormaster.

Mr. Peloquin reviewed the agenda for the evening. Mr. Hathaway moved to accept the agenda. Mr. Race seconded. So Moved.

The minutes of the meeting of February 16, 2006 were reviewed. Mr. Raced moved to accept the minutes. Mr. Metcalf seconded. So Moved.

Mr. Hathaway stated he felt that if the absence of a member is for a legitimate cause and they contact the Chairman, it should be considered an excused absence. Mr. Peloquin agreed with this. Mr. Metcalf moved that in the future an excused absence, with notice to the Chairman, would be noted in the minutes. Mr. Hemingway seconded. So Moved.

Harbormaster Report.

New Patrol Boat. Mr. Melo said that the boat is behind the office on a trailer, courtesy of Davis & Tripp who is allowing it to be stored there while being worked on. The engines have been ordered and should arrive shortly. The boat will need to be painted first. Extensive renovations will be done on it and the goal is still to have it done by Memorial Day.

New Pump-Out Boat. This boat is the same; a Trip Angular 22, the old Sea Ox pump out boat has been taken out of the water. They will be transferring the gear. The pump out grant will take care of most of the cost for this. Mr. Melo is also looking to have this on the water by early summer.

Mr. Peloquin asked if Mr. Melo has all the equipment to repair the new patrol boat. Mr. Melo replied no, he hasn't purchased anything, he has some surplus equipment. He will be purchasing most of the required equipment new. There will be a back-up radio that will be programmed to police frequency. The electrical system has to be replaced.

Registration Forms. Mr. Melo reported they are all mailed out and are being returned and entered on the computer.

Decals. Mr. Melo said that they would be different this year. He stated it is another company and he will be saving \$300. over last year's cost for fewer decals. He stated that they are slightly larger than last year and green. The company has guaranteed that they will last the season.

Jack Mason-EPO Director of Education/Safety. Mr. Melo stated he has responded that a person has to be certified for instruction, Stephanie Saikali will be certified. He said that it might not be for this school year. The NBYC also offers some safe boating courses.

Old Business

Jet Ski. Mr. Melo has researched the prices. He said that the price of \$6,900 for the one they used last summer was a very good price. He will be talking with the Police Chief on sharing the cost of it.

Mishaum Boat Clean-up. Mr. Melo reported that a boat was washed up at Mishaum Point and the Coast Guard is investigating how it happened. Mr. Peloquin said that the individual involved is being prosecuted on possible criminal charges. Mr. Melo said that if it were a declared obstruction by the Division of Law Enforcement, the division would clean it up. Mr. Melo said some of it might need to be cleared out by boat.

Dingy Racks. Mr. Hemingway said that five racks are complete, six will be done, and then they will transport it to the landing. They will be put together at the landing.

New Business.

Beetle, Inc. Appeal. Mr. Melo said that Beetle, Inc. has five permitted sites. He has received a request that they would relinquish three sites that could go to the waiting list, and they wanted commercial status for the remaining moorings. They are in rows 30-34 at the eastern end of the rows in shallow water. They sought to relinquish the mooring permits on three and sell the gear to the waiting list for \$1,000. They are 100-lb. mushrooms and have been inspected. He sent a letter to Beetle regarding this stating that commercial mooring permits can only be granted to duly organized existing business located in Dartmouth. He denied the request to sell the gear stating that they do not meet the current size regulations. He stated that there has not been vessels of record assigned to any of the moorings. He stated that Beetle, Inc. is not situated in the Town of Dartmouth they had to relocate. Mr. Melo said that the two issues are: 1) commercial status request for a business with the principal place of business is in Wareham but still claiming to be part of Padanaram Harbor, and 2) the moorings sought to be transferred are not up to current size specifications.

Mr. Bill Womack, owner of Beetle, Inc., was present. He said the request to sell/transfer three sites was made in late 2005 and a response was not received until February, 2006. He said the company has been using the commercial mooring for years for their customers. He said they tried to stay in Dartmouth, but couldn't. He said that they understand about the mushrooms size, but they were OK at the last inspection, and he understands they have to be changed. He stated that the Company is not physically in Dartmouth but since the Beetleboat has been part of Concordia, and they have customers in the Harbor, they would like to be able to maintain the commercial moorings under their jurisdiction. Mr. Peloquin asked if they would be relinquishing the three moorings. Mr. Womack said that they will, but they would like to sell the gear, but since it doesn't meet the specs they will be removing the gear. Mr. Peloquin asked what activities they had in Dartmouth last year. Mr. Womack said that they put vessels in the water here and customers request using the moorings, in the past they received rent for their moorings. Mr. Womack said that they have always paid their fees. Mr. Peloquin asked if there was any arrangement with Concordia or Davis & Tripp. Mr. Womack said no; they sometimes use the NBYC. Mr. Race said that there is no mention of Dartmouth on the Beetle, Inc. website. Mr. Womack said they do not advertise to rent the moorings. Mr. Melo asked Mr. Womack why he wants commercial status. Mr. Womack replied that since there would be no designated vessel of record on the mooring a commercial mooring is needed. Mr. Melo said that there are people on the waiting list seeking moorings in the areas of the Beetle sites.

Mr. Melo said that if they allow Beetle, Inc. to maintain the moorings on an individual status and have the vessel of record a Beetlecat, it would give them what they need; the 2 moorings cannot be rented. Mr. Perry said that the limited use of the mooring bothers him. Mr. Peloquin asked if only one mooring would be agreeable. Mr. Perry said that one would be better, allowing another person off the waiting list. Mr. Hathaway said that Beetle, Inc. should be allowed two moorings, but for the WMC to monitor them for one year; he feels Mr. Melo's suggestion is good. Mr. Womack said his busy season is before July 1st and after middle of August. Mr. Hemingway suggested when the moorings are not in use, let the Harbormaster know the mooring is empty and allow the Harbormaster to use them. Mr. Womack agreed but if he were held liable, he wouldn't want anyone to use it. Mr. Hemingway agreed with Mr. Melo's suggestion and added a request to monitor it for a year then revisit the issue.

Mr. Metcalf moved to approve the suggestion of Mr. Melo and treat the two remaining as individual moorings and to reevaluate the issue in one year. Mr. Race seconded. So Moved.

Roland Valois Appeal. Mr. Valois said that he is requesting permission to transfer ownership of the mooring to his father-in-law, Joseph Audette, who is living with him in Dartmouth. Mr. Melo said the transfer was denied because father-in-law is not an immediate family member to Mr. Valois as defined in Regulation #12. Mr. Valois also said his mooring was moved without his permission. Mr. Melo said that some moorings were moved because of the dock construction. Mr. Valois said that when Mr. Curtis put in his dock, the moorings were moved, and he would like to make sure his gear is right. He said that he would be able to know what mooring is his. He said that his father-in-law gave up his mooring many years ago and would like to use his mooring when he is on the dock, but he said that he wants to keep maintaining it and let his father-in-law use it until he needs it again. Mr. Valois would like to still own it, only let his father-in-law use it. Mr. Melo said that he has "Permitted Use" in the regulations but a person has to be on the waiting list. Mr. Metcalf suggested changing ownership of the boat to Mr. Valois and use it as the vessel of record. Mr. Valois agreed and he will look into it. Mr. Valois withdrew his request for transfer of the mooring and he will reapply and change the ownership of the vessel.

David Chipman Appeal-no hearing. Mr. Melo said that Mr. Chipman has two moorings under the storm-mooring category. He would like to keep two moorings for one boat. Mr. Peloquin stated that the regulations do not allow storm moorings. Mr. Hemingway feels that Mr. Chipman has to make a choice, there is no hardship. Mr. Race moved to have Mr. Chipman choose one mooring by March 31, 2006. Mr. Perry seconded. So Moved.

Mr. Hathaway asked how many storm moorings there are north of the bridge. Mr. Melo said he knows of about five for certain, but there could be up to 20.

Mr. Jack Kirkpatrick Appeal-no hearing. Mr. Melo said he is at Salters Point. He said that he has a new site in the new grid but he doesn't have a boat. Mr. Melo said that this could be considered two years from the new site assignment. Mr. Melo said that there are still limited open spaces and there is no one currently on the waiting list. Mr. Peloquin said that it should not be treated as a new site, but given the location and re-gridding moves he could be given more time. Mr. Hemingway suggested giving him until September 15th of 2006 to get a new boat. Mr. Race moved to allow Mr. Kirkpatrick until September 15, 2006 to get a new boat or he will lose the mooring. Mr. Hathaway seconded. So Moved.

Mr. Stanley Baron-no hearing. Mr. Melo stated he has a small sailboat, and a smaller sailboat. He has two moorings. He would like to switch his moorings; it would be appropriate assignments for both boats. Mr. Melo said it was more a request for permission to switch boats. Mr. Hemingway asked if it was a way to keep a storm mooring. Mr. Melo said that Mr. Baron is currently restoring the Beetlecat. Mr. Hemingway suggested putting the small north mooring in shallower water to make sure it isn't an attempt to keep a storm mooring. Mr. Peloquin suggested putting a deadline on having the second boat ready. Mr. Hemingway said to give him two sites, put the second site on the north side in shallow water. Mr. Race suggested having this done by September 15, 2006. Mr. Race moved to have him switch the moorings, re-assigning the second mooring north of the bridge in shallow water and the Beetlecat has to be on the mooring by September 15, 2006. Mr. Metcalf seconded. So Moved.

Houseboats. Mr. Melo said that there are two currently pending and one possibility. He said that a Ms. Butler has two sites but has used only one, saying she is building a houseboat and wants to keep the second mooring. He said that there is also a Dartmouth resident on the waiting list with a houseboat as the intended vessel of record. Mr. Melo said this is not an appeal at this time, but it is an issue that should be addressed sooner, rather than after it becomes an issue. Mr. Peloquin said that the issue of more houseboats could be addressed in the future.

William Rebello-Pioneer mooring renewal. Mr. Melo stated there is still a problem with Mr. Rebello's gray boat. He said that the boat kept sinking, it was assisted to the shore of the landing. It was removed from the landing after sitting on the shore for over a month, briefly appeared on one of Mr. Rebello's moorings and it was next "abandoned" or deposited on the little island by Mr. Rebello. It would not float while on the northwest beach of the island. Mr. Melo informed Mr. Rebello that it needed to be removed from the island and water. On Saturday, 2/25/06 the same grey boat was reported to be banging against the new Bayview pier. He and an Assistant moved it in a snow storm back to the landing. It would not float while being towed. It was left high and dry south of the ramps. He stated that the boat had disappeared again by Monday 2/27/06 morning. A large piece of the boat has now washed ashore south of the Yacht Club. The last registered owner of the vessel according to the numbers still attached is Mr. Rebello's son, in whose name the vessel was used for Pioneer Mooring Service. Mr. Rebello admitted being responsible for the boat being on the island. Mr. Melo said that the two Rebello moorings first appear in records in 2003 as Pioneer Moorings, and there has never been a vessel of record registered to either site. Mr. Peloquin said that there is no record of authorized moorings, there is no vessel of record and his conduct this winter regarding the grey boat is more than enough to deny renewal of the 2 sites he claims. The Commission also voted unanimously to have the Harbormaster send a letter demanding that Mr. Rebello properly remove the floats filled with garbage in the north harbor. These floats are in disrepair, were brought into use by Mr. Rebello during his operation of Pioneer Mooring, and must be removed before they cause damage to anyone else's property. He should have them removed before the end of the month, or the Town needs to take action against him to hold him responsible for their removal costs. Mr. Metcalf asked if he still was shell fishing and had a town license to make a living in the same water where he was polluting. Mr. Melo was told to send a letter stating that the moorings cannot be renewed because of the violations, and that the floats must be properly removed by March 31.

William Hester. Mr. Melo said that Mr. Hester wants to register a 13' Whaler on a large boat site. Mr. Melo will send him a letter stating that the mooring needs an appropriate vessel of record.

Public Comment.

Mr. John Hayes said he felt that the WMC is very fair in their decisions.

Mr. Hathaway said that he feels the WMC is working in the right direction with the appeals. He said his biggest concern is that the WMC be ruled only by rules and he feels they are doing a good job keeping abuses of the system down.

The next meeting will be Wednesday, March 16, 2006 at 7:00 p.m. regarding the South Wharf issue.

It was moved and seconded to adjourn the meeting at 8:55 p.m.

Respectfully submitted,

Diane L. Vieira