

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING / PUBLIC HEARING

AUGUST 22, 2006

A Meeting of the Waterways Committee was duly called and held on Tuesday, August 22, 2006 at 7:00 p.m. The meeting was called to order by the Chairman, Norman Peloquin. The following people were present: Mr. Peloquin, Robert Metcalf, Warren Hathaway, Gerald Hickey, Roger Race and Chris Hemingway. Excused was Mr. Ira Perry. Also present was Mr. Steven Melo, Harbormaster.

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

The minutes of the meeting of June 22, 2006 were reviewed. On Page 2 under Unpaid Mooring Status, it should read **lose the mooring** not loose the mooring. Mr. Hickey moved to accept the minutes. Mr. Metcalf seconded. So Moved.

Harbormaster Report.

Winter Sticks. Mr. Melo stated that a letter went out to the people to be sure to remove the winter sticks. He said that there are still some winter sticks in the water. He said if sticks are timely not removed the site must be considered abandoned and reassigned under the regulations.

Dingy Racks. Mr. Melo reported that 59 out of 60 have been paid for. He stated he is not in favor of expanding the racks now, maybe in the future. Mr. Melo said that the Commission would have to discuss how they will be assigning spaces next year. He reported that the other side of the ramp is getting crowded with dinghies, but putting racks on that side will be complicated due to tide height. Mr. Metcalf feels that the people with the racks should have first choice next year. Mr. Melo said that all of the dinghies have to be out of the racks by November 30. It was suggested that current space holders have until a specific date to renew their contact, after that it will assigned on a first come-first served basis.

Mr. Hickey asked if there would be other areas getting the racks. Mr. Melo said that he would like to put them against the Bridgetender parking lot and also on Hill Street. Hill Street may be held up while the neighbor rebuilds a retaining wall. At the Bridge, the parking lost needs some work on the fence first. Mr. Hickey suggested getting a priority list for the racks and working on it during the winter.

Boat Progress. Mr. Melo stated that progress is moving along. Mr. Race reported that it is looking good. Mr. Melo said it is painted and soon Davis & Tripp will be installing the outboards.

Easy Dock. Mr. Melo said that it has been purchased. This allows the Jet Ski to be stored near the Patrol Boat and it is a dry space. This allows faster access to the Jet Ski.

Ticketing. Mr. Melo said that non-paid vessels are being ticketed as discovered. He said there are some people on the list, but less than last year.

Violation Fees. Mr. Melo said that the copy shown was sent to Mr. Jeff Davis. He noted that the violation schedule is outdated. A mooring set without a permit is listed as a \$10.00 violation. Mr. Melo said that the fees need to be updated. Mr. Melo said that a Town by-law violation is \$300.00. Mr. Peloquin asked what needs to be done to update it. Mr. Melo said that the language on the tickets has to be changed, the tickets require an overhaul. Mr. Metcalf said that a public hearing has to be held. Mr. Hickey said that this will be a winter project to update it. Mr. Melo said that Charlie Howland has done comparisons with other towns. Mr. Hickey suggested Mr. Melo make notes on this and update it during the winter months. Mr. Hathaway feels fines should be higher for these violations.

August 2, 2006 Windstorm. Mr. Melo said that thunderstorms moved through the area during the races. He said that there was a problem with one boat, the Coast Guard was called; a whaleboat was overturned in New Bedford. He said that he checked the harbor to be sure everyone from the race was safely in the harbor. Mr. Peloquin was in the harbor during this time and feels that the NBYC has to deal with storms faster and feels that the Harbormaster should be involved. Mr. Hathaway said that someone at the NBYC erroneously changed the channel of the radio. Mr. Peloquin said that the Club chose to still run the race. He feels that they should have a response plan. Mr. Hickey said that someone should be responsible for calling the race during storms. Mr. Peloquin said that the Harbormaster should not have to be the one to make that call. Mr. Peloquin said that the owners of the boats should also decide on whether to race or not. Mr. Hathaway suggested the harbormaster should watch over the races. Mr. Melo said during an electrical storm, his

Assistants also have to be careful. Mr. Peloquin said that it is a risk of the job. Mr. Hemingway said that the calls have been conservative in the past, but this year there have been questionable calls. He suggested the WMC send a letter to the NBYC to ask them to be on the conservative side. Mr. Hathaway moved to send a letter to the NBYC to use discretion when calling a race. Mr. Hickey would like to amend this motion to include all the safety concerns of the WMC in the letter. Mr. Race seconded. So Moved. Mr. Hemingway would also like to go on record as being concerned with the safety issues.

Sea Eagle Theft. Mr. Melo said that there has been no further word, but the theft notice did reach Morocco.

USCG Channel Problems. Mr. Melo said that he has not heard from the Coast Guard regarding their channel markers and moorings therein.

MMA Internship. Mr. Melo said that he has someone working with him.

Mr. Riccardi Appeal. Mr. Melo said that he has filed a request for a new mooring in the Birchfield area.

Dr. Burke Mooring. Mr. Melo has not received any written request from Dr. Burke regarding another's use of his mooring site.

New Business.

CBC. Mr. Peloquin said he was contacted by CBC if they could use our property for parking. They were planning to come to this meeting. Mr. Melo said that Mr. Gagne also approached him with some plans for their use of the area. It was suggested that the Town could blacktop and section-off the area at the end of Rogers Street, and allow CBC to use it. Mr. Melo said that he had no objections where these plans would not disrupt our future plans for the area. Mr. Melo has been trying to get the vegetation cleared from the area. Mr. Hickey said that CBC has a parking problem, but could instead use Jones Beach and shuttle back and forth to their site. He said that he is not in favor of making temporary changes. Mr. Melo said that some of the area could not be opened up without permission from the EPA due to contamination. Mr. Hickey suggested allowing CBC to use the driveway of the house. Mr. Peloquin said that Mr. Gagne informed CBC that they would have to go through the Waterways Commission regarding use. Mr. Metcalf said there is one lot that could be cleared, while the other has to be capped. Mr. Hickey said he will be willing to be on a sub-committee to try to get the lot started. Mr. Hathaway moved not to do anything regarding CBC at this time. Mr. Hemingway seconded. So Moved.

Boatyard - Waterfront. The Town Meeting article regarding the So. Wharf property was voted down. There will be another article going to Town Meeting on an more comprehensive waterfront district. Mr. Melo said that a Planning Board meeting will be held next Monday to discuss the rezoning of the waterfront area. He said the Zoning Board would like WMC input on this. Mr. Melo said that Concordia operations are rumored to be going to Gulf Road, and they expect to run a full boatyard from this location. Mr. Melo was invited to go to a meeting on this and wants to know the WMC feelings. Mr. Hemingway feels that the WMC should keep out of this. Mr. Metcalf seconded. So Moved. Mr. Peloquin feels it is a zoning issue and the WMC can't comment on this type of information. Mr. Hickey asked what they want from us. Mr. Melo said that they are looking for input regarding allowable uses in this new overlay district. It was unanimously voted for the WMC to have no position in regard to the proposed overlay district.

Mr. Robert Bernert, Jr. Appeal. Mooring 38-4 was assigned to Mr. Bernert sometime prior to 2002. By 2004, it was no longer an active, permitted site in the database. An inspection was to be performed in 2005 by Pioneer, but no records existed showing this site listed to Mr. Bernert. Mr. Bernert wrote that he tried in 2005 to straighten out the situation, but failed to follow through. He then said that he didn't realize there were any issues with the mooring until lately. He would like to have the mooring reinstated. He said that since then he has paid a waterway fee for his boat for this season, but he acknowledged that the unlisted mooring has not been paid for since prior to 2003. Mr. Melo said that Mr. Bernert feels his mooring is there, being used by Mr. Eric LaBrode, who needs to have the mooring inspected. He said a mooring site has been listed to Mr. LaBrode since 2002 and the fees have been paid by him for use of that site. Mr. Metcalf said the information is not in the computer, but handwritten forms. Mr. Melo said that Mr. LaBrode's mooring will be inspected this year, the first time since the 2003 regulations are in effect. Mr. Melo said that another mooring could be installed in this area, but that there a several people waiting on the official waiting list for such an assignment. Mr. Bernert was present. He said that the Rhodes wasn't there because he didn't realize that the mooring couldn't be used during the appeal – in poor judgement he used an anchor instead of taking it out of the water again. He used it this way for 3-4 days. Mr. Bernert feels that he used the existing Labrode float in the past, but there has never been any payment made for the fees for those years of use. He had his boat on an

anchor but had again not paid any fees at that point. He feels that someone changed the number of the Labrode mooring by adding an 'A' to it. Mr. Peloquin feels there are two issues: one, there have been no fees paid by Mr. Bernert and two, Mr. Bernert feels that Mr. LaBrode is on his mooring. Mr. Bernert feels he should have been more conscientious about the fees, but if he wasn't in the database, he never received any bill or notice of fees due. Mr. Melo said that he had the impression that Mr. Bernert had withdrawn his appeal and would be putting his boat at Round Hill. Mr. Hemingway said that if Mr. Bernert owned the existing Labrode gear, he must have it removed from the water.

Mr. Peloquin said that the request is to reinstate the mooring permit assignment. Mr. Race moved to deny the request. Mr. Hickey seconded. So moved. Mr. Hemingway feels something should be done because it is an unusual request. Mr. Peloquin agrees, but there is also the issue of unpaid mooring fees. Mr. Hickey would also like some follow-up information on this issue of gear once the Labrode mooring is inspected.

Mr. Howard Means. Mr. Melo said that Mr. Mean's filed a request to change the vessel of record for a site, he then withdrew the request by email. The entire string of emails is before the Commission. When the request was apparently withdrawn, Mr. Melo said he didn't research it any further at that busy time. He believes that his emails show that he tried to help this person and now seeks the Commissions input on the matter. Mr. Peloquin asked if Mr. Melo denied the request based on the size and type of vessel, 42 foot power boat, in that area. Mr. Melo said that he has made no determination at this point based upon the request to cancel as seen in Mr. Means email. Mr. Peloquin said that it clearly appears that Mr. Means withdrew his request to change the vessel of record and then became unreasonably upset with the harbormaster. Mr. Hickey said that Mr. Means had no right to go to the WMC after Mr. Melo did as he asked in canceling the request filed. He said that there has to be a solid reason to appeal to the WMC, and the messages are not showing that Mr. Melo did anything other than what was asked. The public does not get to direct how appeals or hearings are handled in this way.

Mr. Peloquin moved to instruct the harbormaster to now make an objective decision based upon the second request filed, and the WMC will support that decision. The request had been filed, then rescinded, then reinstated seeking to go directly to the WMC, not the harbormaster. Mr. Hickey said there has to be a process in going to the WMC; they must go to the harbormaster first. Mr. Melo said that this individual has sent some conflicting messages, as the handout shows, and believes that the Commission can determine for itself by review of all of the messages directly. This is an example of why mooring issues should be handled in writing only. Mr. Metcalf said that it Mr. Means appears to unreasonably take issue with the Harbormaster on this. Mr. Peloquin then moved to direct the harbormaster to reinvestigate Mr. Means request for a different vessel, based on the second request and the WMC will put it back into the hands of the Harbormaster to render a decision. Mr. Means attempt to take it out of the hands of the Harbormaster will not be allowed. Mr. Hickey seconded. So Moved.

Mr. Peloquin moved to table all other requests until the next meeting unless Mr. Melo needs any other answers. Mr. Melo said that he would like an answer regarding Mr. Dale Whiting. The WMC last instructed Mr. Whiting to upgrade the mooring and nothing has been done since the last meeting except to allow someone to use his mooring without prior approval from the Harbormaster. He would like to send a letter with a copy of the minutes and ask him what will be done. Mr. Metcalf felt that they to deny Mr. Whiting future use of the mooring because it was allowed to be improperly used and was not up to par for the vessel to use it. The Commission clearly told him at our last meeting what to do to keep the permit and he ignored us. He moved to revoke the permit for site 15-03 to Mr. Whiting. Mr. Hickey seconded. So Moved.

Office Support. Mr. Melo was asked to look into the possibility of getting a secretary for the office.

Public Comment.

Mr. Don White said he feels that people are not paying attention, even those at the meetings, and that maybe more public information would help get the message out. Mr. Hickey said to look into getting a journalism student from the High School to get the information written down to get to the newspaper.

The next meeting is scheduled for Tuesday, September 26, 2006 at Rogers Street.

Respectfully submitted,

Diane L. Vieira