

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING  
APRIL 25, 2006

A Meeting of the Waterways Committee was duly called and held on Thursday, April 25, 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, Roger Race, Ira Perry and Chris Hemingway. Excused was Mr. Warren Hathaway and Mr. Gerald Hickey. Also present was Mr. Steven Melo, Harbormaster.

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

The public meeting minutes for March 14 and March 15 were reviewed. Mr. Race moved to accept the minutes of the public meeting of the March 14, 2005 meeting with two typographical corrections. Mr. Metcalf seconded. So Moved. Mr. Metcalf moved to accept the minutes of the public meeting on March 15, 2006. Mr. Race seconded. So Moved.

The minutes of the executive meeting held on March 15, 2005 will be reviewed at the next meeting.

Harbormaster Report.

New Patrol Boat. Mr. Melo informed the WMC that the engines are behind the time schedule. He hasn't received the small block engines yet. He said that the company as offered a large block engines in place of the small one but he has concerns on the way the boat will respond with the added weight of the large block engines. He would like to wait until the proper engines come in since the department is not without a boat. He said that the counter rotating one should be in by the end of June. Mr. Peloquin agreed that it is best to wait for the smaller block. Mr. Race suggested pushing the issue that we are a public agency with the company for a better date.

Jet Ski. Mr. Melo informed the WMC that the Town would be receiving use of a free Jet Ski for use this season. It will be the same as last year.

Unrenewed Mooring Permits. Mr. Melo had a rough draft of approximately 163 unpaid moorings. The deadline is May 1<sup>st</sup>. He said that a few people on the list have issues that have to be taken care of. He said that there are moorings on both sides of the bridge that haven't been paid. He will be sending out a notice to these people by mail and e-mail. Mr. Hathaway asked if after May 1<sup>st</sup>, they will lose the mooring. Mr. Melo replied that we are in the grace period, April 1 through May 1<sup>st</sup>, if not paid by May 1<sup>st</sup> they will not be permitted to pay and will lose the mooring. Mr. Race suggested putting a notice on the web that they will lose the mooring if not paid by May 1<sup>st</sup>.

Decals. Mr. Melo reported that the decals are in and are being given out. He said that he ordered more for the dingys and it cost less using a different vendor. He said that they seem to hold up in the water.

Jack Mason. Mr. Melo met with Mr. Mason regarding getting staff members certified to instruct the public on the hazards and safety of the water – state safe boating laws.

Abandoned Gray Boat. The boat has been removed from the slip where it sunk, Davis & Tripp removed it and it is stored at the landfill for EPO evidence. Mr. Gagne has determined through Town Counsel that Mr. Rebello and Mr. Opozda will not be able to purchase any permits from the Town until they clear up the outstanding debts due to the Town for removal of the grey boat and the garbage floats left in Town waters.

Computer. Mr. Melo reported that they have a new computer set up for their needs purchased from Computer Genius. The old one has since been repaired and they have it for back-up.

Financial Status. Mr. Melo reported that there is sufficient money in the budget, there was money to be transferred from the Clean Vessel Act for pump-out salaries, which will easily get us through the fiscal year. Mr. Peloquin asked if in the future Mr. Melo could put together a brief financial report to distribute at the future WMC meetings. Mr. Melo agreed.

Jack Shepard. Mr. Melo reported that Mr. Michael Gagne said raising the fee change needs to go before a public hearing. He will send a letter to Mr. Shepard informing him of the proposed fees. Mr. Peloquin suggested getting approval of the new fees from Mr. Shepard before a public hearing is held. Mr. Melo said they might want to aim for July 1, 2006 for the new rates.

Damaged Boat. Mr. Peloquin reported that the State would be prosecuting a Mr. Foster regarding the damaged boat remnants being washed ashore in Dartmouth and Westport. Mr. Melo said that there is also a Town of Dartmouth by-law prohibiting disposal of objects on the town waterways. Mr. Peloquin said that he would like to try to get the Town reimbursed for the expense of the clean-up.

Old Business.

Mr. Melo reported that Waterways Enterprise receives 50% of the boat excise taxes collected. Mr. Metcalf said that there are many taxable boats in Dartmouth. Mr. Metcalf said alot of boats are stored in yards and do not go into the water.

Hearing Appeals. Mr. Peloquin suggested putting guidelines in place for the appeals process. Mr. Race and Metcalf suggested limiting the hearings to 10 minutes each. Mr. Peloquin said that Mr. Melo will first give the background of the appeal and then the resident can speak. Mr. Metcalf moved to set a guideline as 10 minutes for the appeal. Mr. Race seconded. So Moved.

Mr. William Hester Appeal. Mr. Melo explained that Mr. Hester has mooring 65-5A and was last inspected March 18. The vessel of record is a 13' Boston Whaler and the mooring can hold up to a 41' boat. He feels the vessel of record is not appropriate for the mooring. Mr. Hester said that he lives in Bay View and is trying to purchase a larger boat and would like a waiver for this year. Mr. Hester said he put the mooring in during 2003 for a sailboat, which he hasn't purchased. Mr. Peloquin asked if he would be purchasing a new boat by September 15<sup>th</sup>; and asked that he remove the appeal. Mr. Hester agreed to withdraw his appeal. Mr. Race moved to give him until September 15<sup>th</sup> to purchase a new vessel of record appropriate for the mooring. Mr. Hemingway seconded. So Moved.

Mr. Steve McGowan Appeal. Mr. McGowan was not present and his appeal was moved to the end of the meeting.

Mr. Thomas Bigsby (Rigging Loft). Mr. Melo said that there are two appeals, for the Rigging Loft and one individual mooring. Mr. Melo explained the Rigging Loft mooring, 74-03, was inspected in July, 2004. He said it is a large mooring in sufficient water with no vessel of record attached to it. It is not a commercial mooring. Mr. Peloquin asked if the Rigging Loft has been dissolved by court order. Mr. Bigsby said that he is in the process of buying out the former owner. Mr. Peloquin said that he just heard about this and if it is dissolved it cannot be given to another entity. Mr. Bigsby said that the workers are still working. Mr. Peloquin stated that the appeal should be tabled until the next meeting when the buy-out would be complete. Mr. Metcalf moved to table it until the May meeting. Mr. Raced seconded. So Moved. Mr. Peloquin stated that Mr. Bigsby is being represented by Mr. John Markey.

Mr. Bigsby's individual mooring site. Mr. Melo stated that he has two individual moorings: one near Shipyard Lane, 8-22, in swallow water. The second mooring is 76-02 that did not have a vessel of record in 2004 and 2005. Mr. Melo said that this year Mr. Bigsby asked that his 22' vessel be the vessel of record on 76-02. Mr. Melo said he never received a form requested a change in the vessel of record. Mr. Bigsby said that he had a medical emergency in his family and didn't have a boat in last year. He has sold his vessel and will be looking for another less expensive one. He said that he had a boat on the mooring, not his, until 2002 when the rules took effect. The last time he had his boat on it was 2001. Mr. Bigsby said he put the counterweight in the water in 2002, the inspections have been completed in the last month and should have been given to Mr. Melo. Mr. Bigsby said that he is looking for a 30-32' boat. Mr. Melo said that there are large boats in this area. Mr. Hemingway suggested giving him until September 15<sup>th</sup> to purchase the boat. Mr. Perry moved to give Mr. Bigsby until September 15 to purchase an appropriate vessel for the mooring. Mr. Race seconded. So Moved.

Robert & Carolyn Osteen Appeal. Mr. Melo said that they will not be present and will be discussed later.

Mr. Russell Luiz Appeal. Mr. Melo explained Mr. Luiz's mooring, M32-1A, which has a 21' boat on it. He is a Commercial Shellfishman. He would like an abatement of the fees. Mr. Luiz said that he applies for other waivers and would like one for the waterways fee. Mr. Melo said that the total fees are \$75.00 and have been paid. He stated there are three commercial fishermen on the records. Mr. Peloquin said that he doesn't see any hardship and feels there isn't a need for a waiver. Mr. Luiz said that as a commercial fisherman he doesn't use the water recreationally. Mr. Race feels the fees are reasonable. Mr. Metcalf said that commercial fisherman were not considered when the fees were set. Mr. Luiz said that he pays a parking fee with the shellfish license and feels this is another fee. Mr. Peloquin asked if other towns waive this fee. Mr. Race asked that this be tabled until they can research this. Mr. Peloquin agreed. Mr. Hemingway feels that they have to be careful when waiving fees. Mr. Race moved to table this until more information is received. Mr. Metcalf seconded. So Moved.

Mr. Osteen Appeal. Mr. Melo said that he received an e-mail from them. He said that they have two moorings and one boat. One mooring is near their home in Bay View, 57-06 and the other is north of the bridge, N10-4. - each is suitable for their boat. He said they were sent two forms and sent them back with the same boat listed for both moorings. Mr. Peloquin said that they will relinquish the north side mooring and move their gear to the south side and is withdrawing their appeal. Mr. Melo said that they are keeping the mooring near Bay View, but now would like to move it to a "more protected site". Mr. Peloquin said he understands they are withdrawing the appeal and will request to move the gear at N10-4 to 57-06. Mr. Melo will send them a form to relinquish the mooring.

Mr. McGowan Appeal. Mr. Melo stated Mr. McGowan has two moorings in his name. Mooring 56-05 needs an inspection by July 19, 2006. Mooring 54-07 was last inspected in June, 2001. He sent him a letter stating that the inspection is needed. Mr. Melo informed him he cannot renew the mooring until it is inspected. This is a granite block mooring. Mr. Race said that he has a problem with the eye on the stone, it could dissolve. Mr. Perry said that the mooring is not near any, he said that he has never had a problem with this type of mooring. Mr. Race said that he would like to have someone go down and inspect the granite. Mr. Melo said that divers could go down and take pictures. Mr. Peloquin said that a variance, if given, should only be for a year. Mr. Melo said that the variance should be given only if it passes a visual inspection. Mr. Peloquin said it should be visual and mechanical inspection. Mr. Race moved that they have a visual inspection and a load test that holds for an appropriate duration (2,500 lbs. for 5 minutes) and that it goes into a report that the inspector certifies, this should be done by the end of May. Mr. Hemingway seconded. So Moved.

Mr. Bradford Moore Appeal w/o Hearing. Mr. Melo said there are two moorings, one boat on N10-1A and 65-04 at Bay View. He said that N10-1A has Wayne Sullivan as the owner, Mr. Moore was listed as 65-04, together they share one boat. He said Mr. Moore signs everything for Mr. Sullivan. He said there are two moorings for one boat. He sent a letter stating that one mooring will be renewed. Mr. Melo said that he usually sees the boat north of the bridge. Mr. Melo said that they have communicated by e-mail. They use both moorings at different times. Mr. Moore actually also asked the Harbormaster if he could rent one site. This was denied. Mr. Race moved to deny the appeal and he has to forfeit 65-04. Mr. Hemingway seconded. So Moved.

Concordia, Inc. Appeal w/o Hearing. Mr. Melo said 7-1 is a Helix and was due for inspection in August, 2005. They have sent a diver down and cannot find the head of the Helix. He said this is close to the bridge. He said he was told that Tom Leise told him that they had their first Helix fail due to the head of the Helix corroding, after three years. Mr. Race feels that they should put a tension on it for five minutes when inspecting and feels it should be observed. Mr. Peloquin feels that they should do the inspection and notify the Harbormaster. Mr. Metcalf moved to have a pull test of 2,500 lbs. for five minutes and also do a visual on everything visible. Mr. Race seconded. So Moved.

Ms. Bonnie Dehner Appeal w/o Hearing. Mr. Melo said that Ms. Dehner has a large 46' boat – mooring 70-1 on the east side. She used the mooring last year. Mr. Melo said that it's undersized and could be relocated. She would like to use a Helix. She requested that Mr. Don Mayer use it this year, he has used it in the past and is on the waiting list. There are two requests: to install a Helix and to let Mr. Mayer use it this year. Mr. Race said to insist on pull tests with new Helix installations. Mr. Melo said he would like to see the results of testing Helix's. Mr. Melo said that the installation should achieve holding power greater than the required dead weight, but the straight-pull test will help confirm that. A real problem is that when a Helix fails, it is a total failure - they don't drag slowly into shallow water. They also do not lend themselves to adjustments in site location. Mr. Race moved to grant this with the parameters set. Mr. Perry seconded. Mr. Melo said that letting someone use the mooring this year meets the requirements since she is not charging rent on it – it falls within the "permitted use" clause.

Mr. Jonathan Williams Appeal w/o Hearing. Ms. Williams said that the fee payment was sent by Federal Express. Ms. Carol Hill brought the Fed Ex package to Town Hall. Mr. Melo said they have paid for the moorings, but not the vessels. They owe fees back to 2003. He said that there is also an outstanding waterways fee to be collected. Mr. Melo will send out a letter stating what is owed. There seems to be confusion on Mr. Williams's side of the different fees due. Mr. Race moved to send a letter to come in compliance with all fees by May 31' 2006. Mr. Metcalf seconded. So Moved.

Mr. Melo next informed the WMC that he is getting people that want to keep storm moorings with smaller boats, he is trying to relocate them into shallow water. Mr. Peloquin said if they have appropriate vessels on them, it will be fine, if not, they get re-assigned. Mr. Hemingway asked if this is a good use of space, he feels all the small boats should be in the right depth water. Mr. Peloquin said that this will be discussed at a future meeting.

Jr. Assistant Harbormaster Program. Mr. Melo said he is getting requests and would like to pursue this. Mr. Peloquin asked that this be tabled until the next meeting.

South Wharf. Nothing new to report, there is a pending Purchase & Sales Agreement. Mr. Peloquin said that the Select Board would still like to pursue this if the P&S fall through. Mr. Melo said that there is a group trying to save the site. Mr. Peloquin would like to meet with the potential buyers regarding public access through the area.

Public Comment.

Mr. Don White, Bay View, asked what happens when someone receives a 'use it-lose it' letter. Mr. Melo said he sends a letter stating that a site will be revoked and lists the options the people have.

The next meeting is scheduled for Thursday, May 25, 2006.

It was moved and seconded to adjourn the meeting at 9:15 p.m.

Respectfully submitted,