

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

MAY 16, 2006

A Meeting of the Waterways Committee was duly called and held on Tuesday, May 16, 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, Warren Hathaway, Gerry Hickey, Ira Perry and Chris Hemingway. Also present was Mr. Steven Melo, Harbormaster.

Mr. Peloquin stated that there was no agenda for the evening. He said this meeting was set up to discuss the loss of moorings and vessels of records, also the amount of requests for moving moorings. He stated that the minutes of the last meetings would be discussed at the next meeting.

Mooring Issue. Mr. Peloquin asked how many boats are not complying with the regulations. Mr. Melo replied 32 people on 40 mooring sites had not paid by May 1st. He stated that some were unpaid for a reason; such as people that have given up their moorings are appearing on the transfer list. There are some appeals pending who haven't paid their fees. He said he is concentrating on the people who didn't pay their fees, then the reasons why. He stated some are registering dinghies or a 'sports boat' to "hold" sites, but the vessels are not appropriate for the moorings. Mr. Melo stated he had the regulations printed on sheets that fit in the envelopes that are being mailed along with the letters to the people on the unpaid list.

Mr. Peloquin asked how the matters should be addressed; on a case-by-case basis or as a group. He stated that the Harbormasters' office should not have to deal with it. Mr. Metcalf feels the WMC should take a firm stand; the list includes repeat offenders. Mr. Melo said that there are some people who are always late paying the fees. Mr. Melo said that he has back-up information on the repeat offenders. Mr. Hickey stated that some mail isn't being forwarded properly. He said that there might be reasons that the people didn't receive the mail but if you don't pay your bills, there should be a penalty. He feels that it is harsh to take moorings, he proposes that the WMC allow until July 1 to pay the fees but to incur a daily penalty on all late payments. He also stated that everyone knows they have to pay this fee every spring whether they received the bill or not. He said that unless there is an extreme hardship, he would rather not listen to appeals. Mr. Peloquin said that they have to set the deadline to be fair to people on the waiting list. Mr. Hemingway suggested a smaller time period. Mr. Melo said that all the letters sent out clearly state the deadlines and repercussions. The unpaid mooring permits were notified that they could not renew after May 1st based upon his communications with the Commission by e-mail. This will require a reversal of that notification.

Mr. Melo said that he was told by the Collector that the current deadlines coincide or conflict with property taxes, vehicle excise tax, etc. putting a significant strain on the Collectors Office. Ms. Piva, Town Collector, would like the Commission to consider changing the waterways deadlines. He said that he doesn't want the deadline to be July 1st, a busy time of year and too late to re-assign moorings if needed.

Mr. Hathaway said that he wants to propose in the area of moorings, that the people have 30 days to pay the fine, there will be no appeal for anyone, they have to pay including the penalties. He said that they don't want to take moorings without an extra chance for payment. He said that during May, they pay a penalty, but as of May 30 all the payments have to be in. Mr. Melo is concerned that they have allowed late payments by establishing a late fee. He said that some Towns give a deadline to pay and if it is not received they lose the moorings, no appeals are entertained. Another possibility is to request one-time re-instatement with a "Mooring Restoration Fee"; they have until March 31st to pay the fees; if not paid, then they could request reinstatement and get the mooring restored for a fee of something like \$500.00; he said it couldn't happen again, it is a one time deal the next time it happens they would lose the mooring.

Mr. Melo said that some people also did not pay their excise tax on their boats; State Law now requires that the Harbormaster not allow any boats to moor, dock or stay in the harbor that have not paid the excise taxes. He said that he would be sending out letters stating that he cannot allow them into the harbor. Mr. Metcalf said that if they don't pay the tax they cannot have a mooring. He said that all penalties imposed on the excise tax goes into the Waterways maintenance fund. He said the total outstanding excise taxes due is approximately \$52,000.00 including penalties over the past six years. Not allowing boats in the harbor should help get the taxes paid, that was the intent of the state law. Mr. Hickey asked that Mr. Melo follow through on this. Mr. Melo said that one resident owes over \$1,000. in boat excise taxes, this year he should get a letter stating that his boat cannot stay in the water until the taxes are paid. The boat will need to be removed and stored at the owners' sole expense. Mr. Melo said that these people would not get their mooring or waterways permits until they pay the excise taxes. Mr. Melo said some of the same people are on both prior year and current year delinquent lists. Mr. Hemingway asked if it is possible that the excise taxes are wrong, people sold boats, etc. Mr. Melo said yes, definitely could be, but under state laws it is the person billed who has responsibility to file for abatement or pay the amount billed. He pointed out that the Collector and Assessor handle boat excise tax, he only gets their list of unpaid assessments. Mr. Metcalf said that the excise tax is figured by the State but mailed by the Town.

Mr. Hemingway said that he doesn't want to fool around with our mooring system, he said that the system works good. He suggested sending out letters to the eligible late payers allowing 30 days to pay the bill with no appeals or lose the mooring. He said that people could appeal anything but a missed deadline. Mr. Peloquin said the Mass regulations allow for an appeal to the State DEP directly, but the local appeal rights can be amended.

Mr. Peloquin asked what type of penalty we should have. Mr. Metcalf suggested setting the fees at a public hearing. Mr. Melo said that we could now have a late fee up to \$50.00, which was voted at the November 18, 2003 Dartmouth Town Meeting. Mr. Hickey said that Mr. Gagne said that all fees have to be set after only a public hearing. Mr. Peloquin said that a public hearing has to have 14 days notice. Mr. Melo said that he has to apply the regulations and fees as they are for this year, but the Commission could possibly set new regulations for next year. Mr. Peloquin said that there are some appeals pending for non-payments.

Mr. Hemingway said that a letter should be sent to the late payers and if they don't pay it they will lose the mooring. Mr. Hickey said to give them a deadline and impose a \$50.00 late fee/fine. Mr. Hathaway moved to send a final letter to everyone eligible on the late list that they have 15 days to pay the mooring fees with a \$50.00 fine as approved at Town Meeting or they will lose the mooring. Mr. Hickey seconded. Mr. Hemingway suggested giving until May 31 to pay the fees. Mr. Peloquin said to change the motion to read May 31. Mr. Hickey said that this is a one-time deal to be paid by May 31st with the penalty. Mr. Melo will put in the letter that it is a one-time accommodation. Mr. Hickey said that he is concerned with the people who made a mistake in not paying on time, not the repeat offenders. Mr. Melo said that some Towns have a waiting period before the people can get back on the list after losing a mooring.

Mr. Melo read the letter that was sent to the late payers, he mailed the letter and sent by e-mail if available. The motion was made to send a certified letter to the people on the unpaid list who were otherwise eligible to renew their permits to allow them to pay the fees with the \$50 late penalties by May 31st or they will lose the mooring. It was amended to send the letter out by regular mail, not certified mail. Mr. Metcalf opposed this motion saying he feels this is extra work for Mr. Melo. Mr. Peloquin agreed. The motion carries 5 tot 2.

Moving Mooring Gear. Mr. Peloquin said that Mr. Melo requested guidance on how to handle requests for moving moorings. Mr. Melo said this was discussed in August, 2004. He said that people are looking for better locations, but there are people on the waiting list with no preference. He said that it was discussed not to move any mooring until they were there for five years. He said purchasing a larger boat without prior arrangements is not reason for moving moorings. Also, any move should be done only at the Harbormaster's discretion after meeting the requirements. Mr. Peloquin said that increasing the vessel size and wanting a better location are the two reasons for moving. First, he said getting a larger vessel should be requested prior to purchase. Mr. Melo said that the regulation is if the person transfers possession of the vessel of record, he has to replace it with a similar vessel of record with the Harbormasters permission, if not he has to go on the waiting list for the larger vessel. He said the request should be filed first. Second, Same Vessel-New Site. Mr. Melo said that some people want new sites. He said that he has one list and is working from that list. Mr. Hickey feels that this should be at the Harbormasters discretion. Mr. Peloquin asked if someone wants a new unoccupied site, could a new mooring be sunk. Mr. Melo said that a person on the waiting list should be getting that spot first. Mr. Melo said he would like to clear up some of the language at the public hearing. He would like to rewrite the regulations to be clearer.

Dingy Racks. Mr. Metcalf asked what progress is being made. Mr. Hemingway said that seven are ready to be delivered. Mr. Melo said that he would post a sign and put notices on the present dingys to move them. It will also be posted on the web site.

Tickets. Mr. Race asked about tickets. Mr. Melo said that it would have to be done at a public hearing. He said that the State fines are higher than current Town by-laws. Mr. Melo said that by a change in the By-Laws we could adopt the state statues and fine structure. Mr. Melo said that it would have to be done at a public hearing to adopt this. Mr. Hickey said to do all we want to at the next public hearing. Mr. Melo said that the ticket will refer to the State rates, then the fines will go to the Town. Mr. Melo said that they are working on new ticket books.

Jet Ski. Mr. Melo said that it is on the trailer and letters will be put on it.

Mr. Melo also reported that he received two engines from the State. One motor is being check by Gifford Marine and the other is in storage. The orange boat motors are in and will be installed.

Public Comment.

Mr. Don White, Bay View, stated that the WMC is doing a good job and feels that they are giving people every chance to pay their fees.

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

Respectfully submitted,

Diane L. Vieira