

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

MAY 25, 2006

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

Mr. Peloquin reviewed the agenda for the evening. Mr. Hickey moved to accept the agenda. Mr. Perry seconded. So Moved.

The minutes of the meetings of April 25, 2006 and May 16, 2006 were reviewed. In the first paragraph of the April 25, 2006 minutes, it should read "Excused was Mr. Warren Hathaway". Mr. Hemingway moved to accept the minutes of April 25, 2006 with the change. Mr. Perry seconded. So Moved. Mr. Metcalf moved to accept the minutes of May 16, 2006. Mr. Hemingway seconded. So Moved.

Harbormaster Report.

Budget Report. Mr. Melo stated the salaries are within budget with the addition of the Clean Vessel Act money. He stated that they are below spending for budget overall.

Boats. The new pump-out boat has been launched. When appraised 75% of the value will be returned from the Clean Vessel Act money when accepted. The New Patrol Boat has been worked on and everything should be in and the boat ready by Memorial Day weather permitting.

Rescue Training. Mr. Melo will be attending an advanced rescue-training seminar on June 1 and 2, 2006. The course will be \$140. per person; Julian Race, Charlie Howland and Steve Melo will be attending the course. He feels it will be a valuable course.

Park Dept. Landscaping. Mr. Melo spoke with Mr. Gagne regarding the Park Dept. helping to do the landscaping and charging Waterways. He said that the Park Dept. has the proper equipment to do the job the right way.

Volunteers in the Harbormaster Office. Mr. Melo stated that he has been approached about the Junior Assistant program. He stated they have to be 18 years of age. He said there are volunteers willing to work in the office; he will look into it for help in the office. He was he was approached by someone who would like to volunteer to work in the office, he will check with Town Hall on this, and start as soon as possible.

MMA Co-Op Program. Mr. Melo said that he has information from Mass Maritime regarding cadets working for work experience. There are different sessions and he will be looking into this.

Unpaid Mooring Status. Mr. Melo handed out copies of the unpaid moorings. He said that some have unpaid excise taxes. He said state law says the taxes have to be paid or they can't be in the water. He said that some may have been paid since the list was made. The Collector's office is holding the permits for those on the unpaid list.

Chapter 91 Seminar. Mr. Melo stated that the Mass. Dept. of Environmental Protection put on a seminar. He said that he attended the meeting and had questions he asked they didn't have the answers. He said that it was free and it was informative.

Public Hearing. Mr. Hickey said he spoke with Mr. Gagne and before any changes with a financial impact can be made there has to be a public hearing with 14 days notice. Mr. Peloquin suggested having a public hearing within the next WMC meeting to put the rates into effect on July 1, 2006.

New Business.

George Correa Appeal. Mr. Melo said that Mr. Correia has two moorings with only one vessel of record. He said that Mr. Correa's registration form listed a sailboat on one mooring, the second mooring N145-04 on the north side didn't have a vessel of record, and the form was returned with a 20' homemade skiff built in 1980. He responded that the 20' skiff wasn't an appropriate vessel of record for a site with 12' depth. Mr. Melo said that an appeal was filed in May; it is Mr. Correa's intention to purchase a larger boat and family members would like to use the mooring until the boat is purchased. Mr. Peloquin asked if Mr. Correa is willing to move the mooring. Mr. Correa said he is looking at a larger boat and would like to stay where he is. He said that if he has to relocate he will, but he wondered if he would have to go to the waiting list when he purchases a larger boat. Mr. Correa said that he would like to stay north of the bridge with the powerboat. Mr. Melo feels that putting the powerboat there would not be using the site or water depth to its capacity. He feels he could relocate this boat to a better position if desired. Mr. Correa feels the information on the table was incomplete. Mr. Hickey said that the Harbormaster would be moving moorings to appropriate sites for the vessel. Mr. Hathaway said that the vessel could be in 3-3 1/2 feet of water. Mr. Peloquin asked if Mr. Correa would be willing to move. Mr. Correa said he'll rather not, but he wants to stay north of the bridge. Mr. Correa said that he'd have Pioneer move his mooring to a better location. Mr. Correa agreed to withdraw his appeal and will file a Request for Permission to Move subject to the Harbormaster's approval.

Brian DeChristopher Appeal. Mr. Melo stated that Mr. DeChristopher filed an appeal letter because he paid his waiting list renewal fee on April 26th after the deadline. He stated that the renewal form was received because he sent it in with the check stating that the first letter was never received. There is no regulated late fee for the waiting list but it has to be received by March 31st. Mr. Melo said that he was No. 81 on the list. Mr. Peloquin said that this may be a yearly problem with residents living out of town for the winter. Mr. Perry suggested leniency and to put him back on the list. Mr. Hemingway agreed. Mr. Peloquin said that they know the due dates even if the letter isn't received. Mr. Perry moved to reinstate Mr. DeChristopher back to his spot on the waiting list. Mr. Hemingway agreed. So Moved.

Mr. Tom Bigsby Appeal. Mr. Melo said that he is requesting a commercial mooring. He said that it is in the name of Rigging Loft and never was given commercial status. Mr. Peloquin said that the company has to do business in Dartmouth to qualify for a commercial mooring. Mr. Bigsby said they have an agreement with David & Tripp to use the dock space; previously they have leased it. Historically they were sharing the seasonal fee with Triad. Mr. Hemingway feels this qualifies as doing business in Town. Mr. Melo said there is one mooring in the SE corner; Mr. Bigsby said that the mooring would be used as a holding mooring for his customers while they are working on the vessel; there is no intent to rent it. Mr. Hemingway moved to accept it as a commercial mooring but not a rental site. Mr. Perry seconded. So Moved. Mr. Peloquin informed Mr. Bigsby that he would have to go through the steps with the Army Corp. to get commercial status next.

Mr. Michael Fritz Appeal. Mr. Melo said that he has two moorings north of the bridge with a similar situation to Mr. Correia. He said that one mooring is no problem but N30-06 which Mr. Fritz registered a sports boat to it, an 11-1/2 foot Inflatable boat with 25 h.p. outboard. Mr. Fritz would like to keep the mooring because he is looking to purchase a vessel for this mooring by September 15th. Mr. Melo said that the mooring hasn't been used in two years by an approved vessel of record. The Avon is kept on Conco's dinghy dock. Mr. Peloquin feels that since he just requested this and has not used it in two years he is not inclined to grant an extension. No hardship or other reason could be found for this case. Mr. Metcalf moved to deny the request. Mr. Hickey seconded. So Moved.

Mr. Kevin Coyle Appeal. Mr. Melo said Mr. Coyle has an undersized vessel of record on his mooring. The vessel of record is a 29' powerboat that is kept in a slip at Davis and Tripp, but it hasn't been in the water for two years. When Mr. Coyle received the letter he filed an application with a no name 11-1/2 boat with no registration – this is also registered in 2004. Mr. Melo replied that the 11-1/2 boat is not an appropriate vessel of record. Mr. Coyle wrote that due to family issues they have not used the boats much the past years. Mr. Melo said that Mr. Coyle has three boats in his yard. Mr. Melo feels that there is enough room for a 29' swing. Mr. Metcalf said to tell him to register the boat and keep it 14 days on the mooring. All agreed.

Mr. Jack McCarthy Appeal. Mr. Melo said Mr. McCarthy received a 'two year use it or lose it' letter. Since the letter received he purchased an appropriate vessel of record and will put it on the mooring this month.

Mr. Nathan Randall Appeal. Mr. Melo stated Mr. Randall had a similar situation as Mr. McCarthy and has purchased an appropriate vessel of record for use on the mooring.

Mr. Lee Davidson Appeal. Mr. Melo said he received an e-mail from Mr. Davidson he has two mooring sites, one 54-10 is in front of the house he owned. He hasn't used it in two years. Mr. Davidson said that if he doesn't purchase a boat this year, he would give up the mooring. Mr. Davidson doesn't live in Dartmouth now. Mr. Hathaway said he hasn't used it in two years and doesn't have a boat. Mr. Hemingway said there is no hardship in this case. Mr. Hickey moved to deny it because two years has gone by without appropriate use. Mr. Hemingway agreed. So Moved.

Other Business:

Mr. Metcalf said the WMC should consider putting a late fee on the waiting list fees. Mr. Melo said that he needs a reliable waiting list to work from by March 31st to assign any available moorings, dragging the renewal period out will be difficult to work with.

Mr. Peloquin asked in addition to the landing fees, is there anything else to put on the public hearing agenda. He asked about the adoption of the state regulations by Town By-laws. Mr. Melo said that Charlie Howland has been working on accumulating comparisons and data. He said to post the public hearing for and any regulatory and fee changes ready will be discussed. He said that Bourne has any violations of State Laws is also a local By-law violation. He said that now any State violation ticket fines go back to the State. In Bourne, the By-law states that the state violation is also a Town By-Law violation and all of the fines go to the Town of Bourne. Mr. Hathaway asked if this By-law change has to go before Town Meeting. Mr. Melo will check with Mr. Gagne and Town Counsel, he said the WMC has the right to change most regulations after public hearing. Mr. Melo feels this is the way to go, he will check where the fines will go-to the Waterways Enterprise or General Fund. Mr. Metcalf moved to have Mr. Melo check this out with Town Counsel. Mr. Hemingway seconded. So Moved.

Mr. Melo said there was an attorney on the mooring late fee list, when he paid at the Town Collectors office he told them it was illegal to charge late fees for the mooring fees. The Town Collector called him, and he said that at Town Meeting it was voted to charge the late fee. Mr. Melo said that changing the late fees would not have any effect on the public until next spring. He said that any changes in the fees should be done prior to December, to go into the letters sent out in January. Mr. Metcalf suggested changing fees might be needed due to increases in gas, etc. Mr. Metcalf suggested checking with other Towns on their present fees. Mr. Hickey wants to be sure that people see results of the fees collected, such as the dingy racks, etc. Mr. Peloquin suggested the only fees for the Public Hearing will be the late fees. Mr. Melo said he would also to try to get the By-Law change ready for waterways ticketing done by the Public Hearing. Mr. Hickey said that other changes needed could go to the Fall Town Meeting.

South Wharf. Mr. Melo said that there has been soil sampling going on at the site. There is still no clear indication of who the buyers are. Mr. Gagne is still in contact with the family's attorney. Mr. Melo said he would be meeting with Mr. Gagne.

Public Comment.

Mr. Don White said that in changing fees to be sure that the budget shows that it is needed. He said if needed to raise it but feels it should not be raised to stay up with other Towns.

Mr. Dale Whiting said that he was late getting his fees in by one day. Mr. Melo said that the check was mailed back to him along with a letter. When he receives the letter, follow the directions carefully.

Mr. Michael Riccardi was present. He received a letter stating that his vessel is too big for the mooring and he would like to appeal it. He has mooring 57-06A and may be in danger of losing it; he purchased a new boat last year. He is not sure what is the size allowed in that area, but he has had the mooring for 20 years. He would like the rules and regulations. Mr. Peloquin told him it is on the web site as indicated on all letters and forms and informed them that an appeal stops the process of losing the mooring. Mr. Melo said that their mooring and site is suitable for a 30' boat. Mr. Riccardi had a 34' boat and has never submitted a form for a change of the vessel of record. He now tried to register a 36' boat that is actually 41' long. He asked if he could then get a mooring for a larger boat. Mr. Peloquin informed him to file an appeal.

The next meeting is scheduled for Monday, June 19, 2006 which will include the Public Hearing. Mr. Metcalf will look into a location suitable for the public hearing.

Mr. Metcalf asked if other committees should be allowed to use 12 Rogers Street for their meetings. Mr. Melo said that he is willing to open it for others to use.

It was moved and seconded to adjourn the meeting at 8:52 p.m.

Respectfully submitted,

Diane L. Vieira