

**MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING**  
**DECEMBER 12, 2006**

A Meeting of the Waterways Management Committee was duly called and held on Tuesday, December 12, 2006 at 7:00 p.m. The meeting was called to order by the Chairman, Roger Race. The following people were present: Mr. Race, Robert Metcalf, Norman Peloquin, Warren Hathaway, Gerald Hickey, Chris Hemingway and Ira Perry. Also present was Mr. Steven Melo, Harbormaster.

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

The minutes of the meeting of November 15, 2006 were reviewed. The fourth paragraph, fourth line should read 1,100 moorings, not 1,100 people. Page 3, 5th line should read **“Mr. Hickey suggested contacting commercial sponsors for donations with their name on the weather gear.”** It was noted that Ms. Warner's name is spelled Genoa. Mr. Hemingway moved to accept the minutes with the changes. Mr. Hemingway seconded. So moved.

**Harbormaster Report.**

Vacation Schedule. Mr. Melo said that the HM office would be closed between December 25 and January 1, 2007. Mr. Kenneth Pacheco will be available for emergencies with commercial fishermen.

Winter Mode for boats, docks. Department boats will be removed from the water as needed. The orange boat will temporarily be stored behind the Police Station. The Town floats will be removed only if the water shows signs of a hard freeze.

Davis & Tripp Slip Renewal. The renewal rate is \$115/foot. They are trying to accommodate the orange boat. We are paying for one slip, during the off season they allow the Department boats as space allows.

Internship for Rogers St. There was a meeting held regarding the work to be done at the Rogers Street property. He stated that there are several UMASS groups working on the different aspects for the site. One group looking at the house, another group at the environmental issues, another looking at the land itself and the Possible uses. There are a total of four student project groups.

Spill Response Workshop. Mr. Melo said that he would be attending a workshop on December 13, 2006. This will be held at the Town Hall.

Mr. Bob Bernert Mooring. Mr. Melo stated that there was a dispute regarding his mooring gear. He has received the inspection report and it stated the mooring is a 350 lb. small steel train wheel. He will forward a copy to Mr. Bernert as a follow-up to the past meeting/hearing.

News Internship. Mr. Melo said that Ms. Warner is present. He has been giving her information on the enterprise fund and how it works. Mr. Hathaway suggested that it might be easier to start by Ms. Warner interviewing Mr. Melo on the enterprise fund system. He said that a question and answer period might be the best way to start. Mr. Melo said for Ms. Warner to contact him when it would be good to start. Mr. Hickey suggested sending an introduction letter to the papers on what she will be doing. Mr. Hathaway suggested starting after the first of the year.

Response Program Coordinator. Mr. Peloquin stated that they are still listing Mr. Arthur Dias as the coordinator; it should now be Mr. Melo and Mr. Michael O'Reilly. Mr. Melo said that on the waterways it would be him, but on land the primary contact is Mr. O'Reilly. The booms are stored with fire district 1. Mr. Melo stated that some money from the Bouchard Spill provided the Town with the trailer. Another State-funded project prepared response plans for each area on the Bay. He said that there is a binder that shows all the areas and how to protect each. Mr. Melo said that we might have enough booms to close off the harbor, but the type of spill and threatened location determines how to best protect each area.

**Old Business.**

Commercial Mooring Status-Concordia. Mr. Brodie and Stuart McGregor were present. Mr. Brodie McGregor stated that their operations are moving to the Gulf Road Site. He stated that the army corps Permit issue goes back to 2003 when they were asked to get the commercial permits. He said at the time they contacted Mr. Tom Hardman and were told they need a map with the locations of all the moorings they own. They also contacted Mr. Peter Corbett who has worked with the Army Corp. regarding permits.

Mr. Corbett determined that if they could demonstrate to the Army Corp that their mooring were "structures" in place before December 18, 1968 they were already permitted or grandfathered and no other permits would be required. In 2004, they submitted a request for verification of this to the Army Corp. along with a map prepared by Mr. Hardman to show that the moorings were in place by this date. He said that an Army Corp representative has come and looked over the information and they then requested a map of the entire harbor. They spoke with Mr. Melo and due to the expense of getting this complete harbor map, Mr. Melo said that this information would be available by 2007 and they decided to wait for this information. He said that the Army Corp. is concerned that their moorings not hurt the flow of the harbor and surrounding moorings. This is where Concordia now stands. He handed out information regarding this. Mr. Hathaway asked if the Army Corp. knew that they are waiting for this information. Mr. McGregor said that they know. Mr. Stuart McGregor stated that they have to work with the Harbormaster whether they have the Army Corp permits or not. He feels it is critical to work with the Harbormaster. Mr. Race asked how many moorings are left to be inspected. Mr. Melo feels that there could be 100-150 due in 2007. He said that the inspection forms prior to 2004 did not ask for latitude and longitude on them, they now do. Mr. Hickey asked if we had any information that could help Concordia with the process. Mr. Melo said that it would take time to print out the necessary information that Concordia needs; they would have to set up a report specifically for Concordia. Mr. Melo stated that most moorings are adjacent to a Concordia mooring throughout the harbor. Mr. Hickey said that they are trying to get the same information from all mooring owners, but Concordia is just on a larger basis. Mr. B. McGregor said they are trying to get the information required by the Town and would appreciate any help they could get. Mr. McGregor agreed to help cover the cost of getting the information. Mr. Race asked if they had an example of the needed information. Mr. Stuart McGregor said yes and he would get a copy to the Harbormaster. Mr. Hickey asked about the Concordia moorings at Nonquitt. Mr. B. McGregor said that they have 18 moorings and they are in transit, only 6 were rented this year; the demand is down in this area. He will forward this information to the Harbormaster. Several of these moorings need inspections. Mr. Melo asked if they have heard of the moorings being accepted as 'structures'. Mr. B. McGregor said that he has not heard of it. Mr. Peloquin said he has never heard of a mooring being a structure. He said to meet the December, 1968 grandfather clause it has to be a structure. Mr. B. McGregor said that Mr. Corbett has said that since the moorings were in before that time they would be grandfathered, but no verification of this has come through. Mr. Peloquin asked what information was given to show that the moorings were in before 1968. Mr. B. McGregor said they have submitted statements from people around then and company records. He stated that they had more moorings then. Mr. Perry asked if the harbormaster has any records. Mr. Melo said there were not many records then. Mr. Melo stated that our regulations supersede the ACE regulations; our regulations state that to get a commercial permit you have to be in compliance with all federal, state and local regulations. The federal regulations require that you cannot obstruct navigable waters. Mr. Hickey asked what steps have to be followed in cases like this. The permits have to be issued by March 31, 2007. First, they need a list of moorings to give to Mr. Melo to try to match the database and second, Concordia will then send the information to the Army Corp. Mr. Hemingway feels there should be a deadline to this. Mr. B. McGregor said they would try to have this information by the end of the summer. He feels that the Army Corp requires the map of the entire harbor because they are worried that Concordia might restrict navigation in the harbor. Mr. Hemingway feels that if Concordia cannot get the information by themselves; that they hire someone to do it. Mr. Hathaway feels that the intent of all parties is important to get this done.

Mr. Hickey said that he would like to see a monthly update on the progress. Mr. S. McGregor said that someone would come each month until it is complete and keep the WMC informed of the progress. Mr. Melo said that a re-grid of the harbor might change the locations of some moorings. He also said that the Coast Guard might change some of the moorings to open up the channel width in the harbor. He said the need to re-grid the harbor is becoming more important. Mr. Hickey moved to have Concordia give a monthly update on their progress. Mr. Hemingway seconded. So Moved.

Mr. Race said next on the agenda is Concordia's ideas for customers accessing moorings in the future. Mr. S. McGregor said that they would still like to have access at the Elm St. location and are in negotiations with the new landlord regarding this, but they are working on a back-up plan for this. He said the most difficult task is parking and the dinghies; they are considering a dingy valet with parking at their Gulf Road site.

The customers could park up the hill and be driven down to the ramp along with their dinghies. Mr. Hemingway asked if this service could be opened to the public. Mr. McGregor said that they would consider it once their system is underway. He said that the long-term plan is a launch service. He feels there is a need for it in this area. He said that they would interact with the people in the harbor. Mr. S. McGregor said he would welcome any ideas that the WMC has. Mr. Hickey asked if Concordia has any boat storage racks. They have none at this time. Mr. Perry feels that a launch service would work in this area.

#### **New Business.**

Mr. Hickey would like to see a checklist of things that the WMC would like to accomplish this year and secondly, he would like to have the subject of re-gridding the harbor discussed.

Re-gridding. Mr. Melo said that the type of re-grid has to be discussed and what they would like to accomplish. Mr. Hickey feels that they have to do homework first, getting information from different harbors to see how it was done. Mr. Hathaway said that this should be a priority to increase the access to the harbor. Mr. Melo said that this was done at Salters and is working well. He stated that it is his responsibility to make the most efficient, effective use of the public land beneath the waterways in order to maximize public access. Re-arranging and grouping mooring sites is an important step in this process. Mr. Hickey said that too many people wrongly consider their mooring site to be their property, and they incorrectly feel they can put any boat on it. Mr. Melo said that they have to know that if they get a different boat, it might not fit their assigned location. Mr. Hemingway suggested that Ms. Warner might be able to inform the public of this through her articles. He said that starting a re-grid on the north side maybe the best way to go.

Fire District #1 Request. Mr. Metcalf said to table it until the next meeting because the Fire Department doesn't have all their information. He said that the new Fire Department Boat cannot get under the bridge. He said that they are looking for a spot to put a pier to have all the Town boats on it. He said at present all departments pay for a spot in the water and there should be a town pier. Mr. Hathaway suggested inviting Mr. David Nolan, new owner of South Wharf, to the January meeting. He feels it is important for the WMC to keep a dialog open with him.

#### **Public Comment.**

Mr. John Hayes said that the issue of moorings as "structures" is very important. He said that the idea of the Army Corp accepting moorings as a structure is important and should be resolved quickly. Mr. Melo said that this issue should be followed up with the Army Corp. Mr. Hathaway would like to know who the Army Corp has previously grandfathered and why. Mr. Melo said that he received an e-mail from Karen Kirk Adams of the Army Corps who was forwarded his request of Mr. Brian Valiton. She said that they are reviewing the letter and need time to respond to it. Mr. Race said to keep a dialog going with Ms. Adams and the Corps. Mr. Hathaway asked if any Helix had been approved for the harbor. Mr. Melo said that there were some installed before he was in office, and one harbor helix installed this past season with prior Commission review. If someone wants one, they have to go before the WMC for an exemption to the recognized mooring types. They work in some harbor areas, but not all. There are also two installed at Salters Point and the tests have exceeded-the required loads. Mr. Hathaway said that Boat US has given a good report on them.

The next meeting is scheduled for January 23, 2007 at 7:00 at 12 Rogers Street.

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

Respectfully submitted,  
Diane L. Vieira