

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

MARCH 13, 2007

A Meeting of the Waterways Management Committee was duly called and held on Tuesday, March 13, 2007 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, Ira Perry and Chris Hemingway. Excused was Mr. Gerald Hickey. Also present was Mr. Steven Melo, Harbormaster.

Mr. Race reviewed the agenda for the meeting. Mr. Peloquin moved to accept the agenda. Mr. Hemingway seconded. So. Moved.

Mr. Race reviewed the minutes of the meeting of February 13, 2007. Mr. Metcalf moved to accept the minutes. Mr. Hemingway seconded. So Moved.

Harbormaster Report.

Billing Process. Mr. Melo reported that the bills have all gone out. About 20 were returned for lack of a proper mailing address, and new addresses have been found for re-mailing. Payments have started to come in. He said that the forms were designed are as simple as possible. They are being entered into the office computer as payment is received. The assistants are helping with data entry. He reported that assistant CJ Howland has found full time employment.

Excise Tax Policy. Mr. Melo reported he is receiving some feedback from the implemented policy. He is explaining to the residents that they don't have to pay two excise taxes in Massachusetts, but they also don't need to keep two mooring towns; most of the callers are paying the excise tax. He said one resident complained and threatened to get a lawyer, but this person also didn't pay his waiting list fee last year; and hasn't called him back. Most residents are on-board with the state tax policy. The mooring bills are noted if they haven't paid prior years excise tax which has to be paid before getting a permit this year.

Town Budget. Mr. Melo stated that attached is a copy of the Town Budget Task Force questionnaire and answers sent. The purpose of this is to be sure all town budgets are handled efficiently. Most questions pertain to the General Fund, not enterprise systems. Mr. Metcalf said that there are 17 members on the task force who are asking alot of questions. He stated that he noted that the Waterways Division is an enterprise system, which returns revenues to the Town General fund.

Mr. Melo stated that he gave Mr. Peloquin a copy of the boat insurance policies of the department for review. He feels there are areas that we could save money on.

Old Business.

Concordia, Inc. Ms. Carol Hill was present and stated that Mr. Peter Corbitt gave Mr. Race a call stating that they have no news on their application. She stated that they have heard from Mr. Brian Valiton and they are reviewing the application submitted, but it is a slow process. Mr. Melo stated that in reviewing the renewal forms to be sure of the status of the vessels on moorings, there are 18 moorings in Nonquitt that Concordia may not pursue any longer, and noted that Concordia has exactly 173 sites permitted in the harbor. Mr. Stuart McGregor said he would have liked the list in advance. Mr. Melo stated that it was time consuming and he just finished it. Ms. Hill said that they felt that all the moorings were in good order last year, and she is now reviewing any problem ones. She said that they are trying to keep in touch with the Harbormaster. Ms. Hill said that they have all the inspection reports on file and she will forward them to the Harbormasters office. Mr. Hemingway stated that Concordia should give the Harbormaster an updated list of all the moorings and their inspection reports. Mr. Melo stated that he spent alot of time on the database and he couldn't phone each mooring holder, they should all forward the information to the Harbormasters Office. He said there is information that has to be updated on the moorings. Mr. Melo said that as he is given a copy of each inspection report, the information is entered into the database and the paper copy is filed in a series of notebooks; he said that the database asks for specific information that has to be entered in format. Ms. Hill said that they are using the updated regulations when inspecting the boats. Mr. Melo said that the chain size is as important as weight in determining what size boat can go on each mooring.

Mr. McGregor asked what Mr. Melo would like done with the report. Mr. Melo said that the WMC would like updated information on these moorings. Ms. Hill said that someone would be assigned to work on the list. She reviewed the list and feels that some of the inspections have been done, she will update the

list. He said that he made notes on the list for Concordia's review. Mr. Peloquin said that they have to be in compliance before permits can be issued, and detected a contrary attitude from Mr. Macgregor that isn't warranted. Mr. McGregor said that they want to work with the WMC. Mr. Race asked how quickly they could get the inspection reports to the Harbormaster. Ms. Hill said they would get it to him soon. Mr. Melo said that he needs to know what boats will be on the mooring for the renewal. Ms. Hill said that they would get the information to Mr. Melo by the end of the week.

Mr. Melo said that the chain lengths have to be checked. Mr. McGregor said that it is a challenge to match the boat and mooring. Mr. Melo said that there are sites on the list with lapsed inspections. He stated that it was a lot of work to put the list together and review each commercial site use; he said he should not have to keep up with their inspections and Concordia should have someone keeping up with this from their office. They advertise on their web page a thorough knowledge of the mooring regulations. Mr. McGregor thanked Mr. Melo for the list.

Mr. Melo said that the mooring permits expire on December 31st of every year and have to be renewed by March 31st. He is waiting for the WMC's determination in the case of Concordia on what to do with the renewals since Concordia doesn't have approval from Army Corp of Engineers. Mr. Melo said that Concordia moorings are distributed all over the harbor.

Mr. Race asked the WMC what they would like to do in this case. Mr. Melo asked if ACE should be given a copy of the list of non-compliant moorings. Ms. Hill said that Concordia would give them a list of the information they have on their moorings; and believes the information has already been sent to the WMC. Mr. Peloquin asked where they stand with ACE. Mr. McGregor said they have been in touch with Mr. Valiton who said that he has Concordia's information and is forwarding it to the Coast Guard for review. He stated that he feels that Concordia is grandfathered and has the necessary permits and said it is frustrating waiting for answers from ACE. Mr. Peloquin feels that ACE gave the information to the Coast Guard because they are worried about the navigation in the harbor.

Mr. Peloquin said at some time Concordia has to decide to pursue this exempt status with ACE or try another route. Mr. Race said that there is a time limit of March 30 on renewal of permits. Mr. Peloquin said that a lot of people are involved in this, the WMC doesn't want to see them lose their season on the harbor. Mr. Peloquin said that ACE permits are a federal regulation not the WMC. He said it became an issue when the WMC was formed and said that the moorings have to be up to local, state and federal regulations. In the past, the WMC has sent favorable letters to the ACE on Concordia's behalf. Other companies have filed with ACE and have received their commercial status and it's time that Concordia clarifies their status. This issue has to be resolved. Mr. Hemingway said that if the grandfather status isn't in the picture, there would not be a problem with the ACE. He feels that ACE may not take a stand and time is running out, why didn't Concordia pursue individual permits? He said in the past the WMC wanted to work with Concordia, but how long will Concordia wait on this issue? He feels a lot of people are unhappy with Concordia's lack of federal permits. He asked what the problem is with Concordia getting individual permits. Ms. Hill said that they would have to withdraw the grandfather petition in order to seek individual permits. Mr. Hemingway asked how long it takes to get an individual permit. Mr. John Hayes said it took him one year of discussion; Salters Point took three-four months. Mr. Melo said that each year he asks the WMC what to do with Concordia since he doesn't have any permits in hand. Mr. Melo said that he asked Mr. Valiton last year when it will be resolved, he didn't give an answer.

Ms. Hill said that Mr. Valiton has indicated he has all the information he needs. She feels that the same information could be used to apply for individual permits. Mr. Hathaway would like to see Concordia do what they need to receive a permit. Mr. Perry said that he hasn't seen any Grandfathered moorings on a large field, the largest approved have been for a field of 12. Mr. Melo feels that Concordia will still have the navigation issue if they apply for individual moorings, but they also lose grandfathered status under a regrid of any of their moorings.

Mr. Melo said that he heard from USCG Chief Gurnett of Woods Hole that he received a complaint that there are boats in the channel. It has been researched and there are some moorings in the marked channel. Mr. Melo said that he replied that when the Coast Guard tells him how wide their channel is supposed to be, and where it ends, he would move the involved moorings. He found nothing showing channel width. He was told alternately that the channel ends at the bridge or the end of South Wharf. Mr. McGregor said that they would look into individual permit approval if they don't hear from ACE regarding the Grandfathering soon. He said as soon as he hears from ACE he will start his next plan. Mr. Melo said that even if ACE agrees to the Grandfathering, the Town must still regrid the harbor and it

might need to move some of Concordia's moorings along with individual moorings. Mr. Hathaway said that when they regrid the harbor, the grandfathered moorings, if moved, will not exist anymore. Mr. McGregor asked if regridding would affect any individual permits. Mr. Melo said that any individual permits are approved pending local authority; so if a mooring is moved they just have to notify ACE for an amendment. Mr. McGregor said that if they start to apply for individual permits, if it isn't approved by next May, how would the WMC handle this. Mr. Hemingway said that the individual permits might move faster.

Mr. Peloquin said he finds it difficult not to give a conditional renewal this year due only to concerns for the public at large. He said that a deadline should be set to notify the public of their status for next year. Mr. McGregor said that they would come to each meeting to give a status on their progress. Mr. Metcalf feels we have to give conditional permits but we should start looking into regridding the harbor. Mr. Hemingway feels we should grant the permits but give a deadline to get approval. He wants to see this resolved before next spring. Ms. Hill said that the renewal letters for Concordia moorings go out around December 15th. Mr. Perry feels we should give conditional permits but he would like to see review dates. Mr. Race would like to see September 1, 2007 as the review of the commercial permits. Mr. Hathaway feels that by September 1st everyone should have an idea what is going to happen. Mr. Peloquin moved in conjunction with the provisional Concordia mooring permitting that at the September 18, 2007 WMC meeting Concordia be present and review their status. Mr. Hathaway feels that there should be a set of directions given to the commercial entities stating what has to be done. Mr. Melo said that our database is open to Concordia to review the information we have for their sites, they cannot change anything but they can see their status. Mr. Hathaway said that the regulations on the web site tell everyone what has to be done. Mr. Perry seconded. So Moved.

Assistant Harbormasters. Mr. Hemingway feels that there should be an assistant harbormaster that would stay on. He said that there are good young assistants, but they move on.

Commission Goals. Mr. Race asked if the WMC members would like to add any items to the list that was e-mailed. Mr. Peloquin feels that we should have articles at the October Town Meeting; ex: having the Harbormaster write his own tickets and keep the money in the enterprise system; rewriting the regulations. Mr. Melo said we should look into setting a cap for the percentage of commercial moorings allowed in each area. Mr. Metcalf feels there should be a fine for getting the inspection reports in late.

Mr. Hathaway feels that having only monthly meetings there is a lot to discuss at the meetings. He suggested setting up sub-committees to discuss certain issues. Mr. Melo will put together a list of issues for sub-committees to research. Mr. Peloquin suggested putting the insurance policies out to bid. He reviewed it quickly and there is a lot of adjustments that should be made. He said that he sees some errors in the policy and he will review the policy in detail.

Public Comment.

Mr. John Hayes asked who does the inspection and provides pictures for Concordia. Mr. Melo hasn't seen any for Concordia. Mr. Hayes feels that Pioneer does a good job for him. Mr. Hayes feels that there is a category for resident, commercial and municipal. He feels it should be set up equally and that this could go on the list of goals.

Mr. Don White asked about the proposed articles to be in the paper. Mr. Hathaway will look into getting someone to write the articles. Mr. White also feels that Concordia thinks they will get conditional permits, he would like to know if the changes are needed to be made first. Mr. Hathaway said that permits would be given if they were in compliance with our regulations. Mr. Race will communicate with Concordia that all boats must comply with the regulations to get a permit.

Mr. Hemingway suggested meeting every three weeks during the spring. The next meeting is scheduled for Tuesday, April 10, 2007.

It was moved and seconded to adjourn the meeting at 9:00 p.m.

Respectfully submitted,
Diane Vieira