

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

MAY 29, 2007

A Meeting of the Waterways Management Committee was duly called and held on Tuesday, May 29, 2007 at 7:00 p.m. The meeting was called to order by the Vice-Chairman, Chris Hemingway. The following people were present: Robert Metcalf, Ira Perry, Warren Hathaway, Norman Peloquin and Gerald Hickey. Excused was Mr. Roger Race. Also present was Mr. Steven Melo, Harbormaster.

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

The minutes of the meeting of April 10, 2007 were reviewed. Mr. Hickey moved to accept the minutes. Mr. Peloquin seconded. So Moved.

The informal minutes of the meeting of May 8, 2007 were reviewed. Since it was an informal meeting without a quorum, it was not necessary to accept the minutes. Mr. Hickey would like the WMC to review these minutes.

Harbormaster Report.

Mooring Regulations. Mr. Melo stated that there are 18 people that haven't paid 2007 mooring fees. He stated that he had received calls from owners stating the reasons they haven't paid. Mr. Hickey asked how someone gets a new site. He said the other moorings never were paid for a variety of reasons.

Heritage Wharf Subdivision Plan. Mr. Melo stated that the subdivision plan has been denied by the Planning Board. He said Mr. Dan Perry is apparently representing the new owner and has filed litigation intention. Mr. Melo said that all questions about the issue should be referred to Town Council.

Environmental Police. Mr. Melo said that they are a presence in the waterways this year. Mr. Perry said that he has seen them ticketing people on the weekends. Mr. Melo stated that a letter he sent to Mr. Donald Watson is included in the packet. Mr. Watson was present at the meeting. Mr. Melo stated that he has not paid his waterways use fee for the 15' dinghy in which he was stopped by EPO's. Mr. Watson stated he said the letter bothers him, stating that his lack of courtesy to the public in the past. He said that he doesn't recall being discourteous to anyone. Mr. Melo said that last summer he stopped him for speeding, within a week of that he was again seen speeding through the moorings. He has also received complaints of Mr. Watson's fast operation from boaters. He said that the environmental police are doing their job by stopping boaters. It's not just the Environmental Police, the Mass. State Police now have a New Bedford Marine Unit and visit Dartmouth. Mr. Watson stated he was not written up for speeding. He also said that he isn't sure why the environmental police use the Dartmouth Harbormaster boat. Mr. Melo said that it doesn't matter which boat they are on, they sometimes use ours, sometimes they come from New Bedford in their own boat, and sometimes patrol from the shores in trucks. Mr. Watson feels that the environmental police only harass people. Mr. Melo noted that Mr. Watson had similar attitude toward his enforcement of mooring regulations in a past year. Mr. Melo said that recently in Wareham a boat overturned and someone died without a life preserver, maybe if the environmental police had stopped them on their way out and checked for life jackets it might have been a different outcome. Mr. Peloquin said that the WMC shouldn't encourage the environmental police to use our vessels. Mr. Melo stated the office will continue to assist other agencies under the doctrine of "mutual aid" and that when he accepted state and federal grant funding to update and replace the aging Department equipment, that obligation comes with the free money. We have assisted the EPO, State and US customs already this season, and will continue to do so. Mr. Hickey said that we do have to enforce the speeding issue, he said that in Florida all the different police groups monitor the waters. He said this is important for the safety of the boating public. Mr. Melo said that half the people on the water complain about speeders, the other half complain when they get stopped for speeding. The commission needs to understand that it is really a no-win situation attempting to maintain some sense of order in the use of the Harbor. He believes that between the Environmental Police and State Police presence, maybe boaters will become better educated in their responsibilities. Mr. Hemingway said that this could be covered in the articles by Genoa Warner for the papers; notifying the people what will be checked if they are stopped. Mr. Melo said that the environmental police also have control over the highways and hunting. When asked again why he claims he was not stopped for speeding, Mr. Watson said that he received a warning regarding his speeding that day, but was given a citation for \$150.00 for not having his registration on him and didn't

have a current registration decal on the boat, he was also cited for lack of any life preservers in the boat. Mr. Melo pointed out that the fine for speeding under state law is \$500.00, so Mr. Watson should not complain about being fined only \$150 by the Environmental Police. Mr. Melo said that the office website has a link with the information regarding what the environmental police will look for if a boater is stopped and what a boater should know to have aboard to comply with the law. He stated that he spends the time to publish the information and make it easily available to boaters, but he can't make them read it or follow the rules as well as the state agencies issuing tickets can. Mr. Watson said that he paid both his waterway user fees for 2006 and 2007, but claims the boat is only 13' long, and doesn't know why he had to pay for both years. If it was a mooring, the Harbormaster would have taken it already. Mr. Melo said that Mr. Watson's boat is registered with the State as a 15' boat and that is what they go by when figuring the fees, and since he didn't bother paying for the boat in 2006 when the office was asked to help it after it sank at the dinghy dock, he gets to pay like everyone else, or not use it.

Commercial Haulers. Mr. Melo said that he sent out a letter to all boat transport companies in the area. He said that a few replied that they do not use the landing. He hadn't heard back from Gifford Marine, so he asked a driver if they had received his letter and invoice regarding commercial use of the public ramp. The owner from Gifford left a phone message that he was upset that one of his drivers was approached in front of customers. Mr. Melo replied with a message that instead of speaking with his drivers, he was not going to permit Gifford Marine to use the launch ramp until they paid the fee as set in the town by-law and state regulation. Mr. Melo said that other companies making commercial use of the ramp have paid. Mr. Melo said that it is a by-law violation and he could ticket Gifford's drivers up to \$300 for each un-permitted use. Mr. Hickey said to ticket the driver when they bring a boat and haven't paid the launching fee. Mr. Hemingway feels that a ticket should be given if they try to use the landing before they pay the fees. Mr. Perry and Hemingway agreed. Mr. Peloquin said that the State asked Dartmouth to raise the commercial launching fee to be consistent with other towns. Once again, if they do not want to pay, they do not get to have other pay them for launching.

Old Business.

Coast Guard visit to define the channel. Mr. Melo said that the Coast Guard came down and showed what the channel would be, but didn't define how wide it would be or where it would end. Ms. Carol Hill said that they visited with her and they wanted to define the channel and mark it out. Ms. Hill said that she showed them a drawing of the channel. She said that the gentlemen from the Coast Guard were new and didn't have any prior knowledge of the area. She said that she took them out to the breakwater. She said that their figures seem to be off regarding the width of the channel. The width of the channel in Marion is 50 yards wide. She said this was more reasonable than the 75 yards proposed by the Coast Guard. She said they felt they were helping the harbor by moving the channel to the west. She said they agreed that it may not be best after seeing the harbor and will go back to review the information. She feels that it doesn't have to be relocated, just define the channel. She said they discussed putting green buoys in the water to try to help the people in the harbor. Ms. Hill said that Mr. Dancy of the Coast Guard seemed flexible on what was best for the harbor and he would be calling Brian Vallencourt to discuss the harbor. Mr. Melo said that the regrid is on hold until they hear from the Coast Guard regarding the channel location. Mr. Hathaway said that the depth requirements changed because of the weather. Ms. Hill said that the Coast Guard seemed open to information and ideas. Mr. Hathaway said that he would like to thank Ms. Hill and Concordia for their cooperation in this matter and working as a team will be how things change in the future.

Landscaping Services. Mr. Melo said that he worked at the landing in preparation for the Memorial Day parade. He said that last year he spoke with Mr. Gagne regarding help from other departments in grass cutting. There are at least four other Town Departments better equipped for large area landscaping, including Park Dept., DPW, Town Hall custodians, School Dept. Mr. Peloquin suggested getting a private contractor to cut the lawn if the Town couldn't get it together. Mr. Hickey said that the Park Department could help since they have summer help, and the waterways could reimburse. Mr. Hickey moved that someone contact Mr. Michael Gagne to try to resolve the mower problem, someone from the Town or go private to cut it. Mr. Perry seconded. So Moved. Mr. Metcalf said that the Town should have a mower we could borrow. Mr. Melo said that if he borrows a mower and cuts grass, then he will be getting grief for not being in the office or on the water. Mr. Hemingway asked if there was an agreement with the Park Dept in exchange for using the parking area on concert nights to provide some assistance.

New Business.

Town Meeting Budget. Mr. Melo said that the Treasurers Office handed him a copy of Fiscal Year 2008 budget. Mr. Melo reviewed the budget. He said that he hasn't heard what the cut to his pay would be. Mr. Metcalf said that the enterprise systems did not have to take an additional cut. Mr. Hathaway suggested inviting Mr. Ed Iacaponi to a future meeting to discuss the budget. Mr. Peloquin said that he hasn't checked into shopping around for insurance. He will call Mr. Gagne to discuss this. He said that Mr. Iacaponi would like to use the same broker for all insurance policies. Mr. Hickey would like to talk with Mr. Iacaponi regarding the overhead costs paid into the general fund rapidly increasing. He would like to know what it is based on.

Waterways Truck. Mr. Melo said that the Department truck he is assigned is out of service and cannot pull the boats due to engine size and small braking capacity. Mr. Hickey said they should look into leasing a truck for Department use. Mr. Hickey feels that Mr. Melo should have a dependable truck. Mr. Metcalf agreed. Mr. Metcalf said that the Town doesn't lease vehicles. A similar truck was recently purchased by the Town for the Park Department at approximately \$20,000. Mr. Melo stated that given the economic climate in Town, it might not be a wise time to make such a purchase even though it would not be tax payer funds.

Shellfish Department. Mr. Melo said that he heard and read in the paper that the Shellfish department budget was going to be cut. The Town was apparently looking into making that part of the Waterways Enterprise Fund again. Mr. Metcalf said that the Shellfish Department doesn't bring in enough revenue to support itself, and that is why it was severed from the enterprise fund years ago. In a meeting with Mr. Race, Mr. Gagne asked if they could fund the Shellfish Department within the waterways budget. Mr. Race told him that we do not bring in enough funding to cover the Shellfish budget. Mr. Hickey said that when the Shellfish Constable isn't working you see a lot of people shellfishing; they seem to know when he isn't working. He feels certain that this department budget cannot support the needs of the Shellfish Department at the current level of fees. Mr. Peloquin feels that the Waterways Enterprise has taken some financial hits from the Town, and this cannot be one of them

Public Comment.

Mr. Don White asked about the landing being state owned. Mr. Melo said that there was a land management agreement between the Town and State back in the early 1970's. The Public Access Board controls the Apponagansett landing. The State has the burden of maintaining the ramps and covers the costs. The Town collects the fees and is responsible for the landscaping and upkeep of the area, also for the policing of the area. Mr. Melo said that his assistants or himself are checking the area daily. He said that there is an honor system putting an envelope in a box for parking. He said the honor system seems to be working. If the vehicle is left unattended, it is parked, they receive a ticket for parking there if no permit or daily pass is purchased. Mr. Metcalf said that the people put the parking fees in the box for daily parking.

Mr. Melo said that the Department needs someone to answer the phones and baby-sit the office. When he is on the water, people are upset that he is not in the office. When he is in the office, they are upset they don't see him on the water. The office receives an average of 50 phone calls per day in season, and any number of people who just stop by to ask questions. Mr. Hathaway asked how many hours he needs someone. Mr. Melo said that they could use a person 8 hours a day, but that the phone rings into all hours of the night as well. Mr. Melo said that he is authorized to only hire assistant harbormasters. Mr. Hickey suggested having an assistant that can do office work. Mr. Melo said that if someone has hours being cut at Town Hall, maybe they would be able to work the balance of a full week for him.

The next meeting is scheduled for Tuesday, June 26, 2007 at 7:00 p.m.

It was moved and seconded to adjourn at 9:14 p.m.

Respectfully submitted,

Diane L. Vieira