

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING
JANUARY 08, 2008

A meeting of the Waterways Management Commission was duly called and held on Tuesday, January 08, 2008 at 7:00 p.m. The meeting was called to order by the Chairman, Gerald Hickey. The following people were present: Robert Metcalf, Roger Race, Warren Hathaway, Norman Peloquin, and Chris Hemingway. Excused or absent was Mr. Ira Perry. Also present was Mr. Steven Melo, Harbormaster.

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

The minutes of the meeting of December 18, 2007 were discussed. Mr. Peloquin moved to accept the minutes. Mr. Race seconded. So Moved.

Harbormaster Report.

Free Government Boat. Mr. Melo said the Dartmouth Police Department put in for a 25' Boston Whaler. It's a commercial grade hull and in good shape and in Florida. The trailer alone will be worth it – it has no cabin but a reinforced center console. Mr. Peloquin asked if it could be a pump-out boat. Mr. Melo said yes, or for patrolling or towing. Mr. Hemingway said we have to be sure we can use it. Mr. Melo said it might be stored at the DPW yard. Mr. Melo said the last boat cost about \$1,500 moving it to Dartmouth. Mr. Hickey said we should list what we have and what we need. Mr. Race said any new boats should be an upgrade. Mr. Melo said these boats from the government are returned if we don't need them-we cannot sell them. Mr. Hemingway agreed this would be a good boat. Mr. Melo will continue to look into this.

Budget Surprises. Mr. Melo said he received a water service demand notice for 23 Bridge Street which isn't ours. Mr. Melo also received the electric light bill for the landing which the Town Hall had previously paid which amounts to approximately \$100.00 monthly. Mr. Peloquin asked for a breakdown of all town charges to the Waterways Enterprise. Mr. Melo said office phone bills were previously included in the overhead charges. Mr. Hickey will speak with Mr. Michael Gagne. Mr. Melo said boat insurance is a separate bill.

Retained Earnings Transfer. Mr. Melo said he is looking to retained earnings to supplement this years budget for the following unexpected expenses: 1. The expenses for 12 Rogers Street were not in the original budget. This year it's \$25,400 for debt service. Those expenses will be in the future budgets. 2. The DEP Compliance Fees of \$6,800 were not known of at budget formation. 3. Utility bills have been broken out of general overhead charges. 4. Rent increase for the office. 5. Overhead costs to the town went up \$8,000. 6. Town-purchased Boat Insurance is \$11,300 was not previously a budget item. Bringing the total to \$55,628.00 above the original budget submitted for fiscal year 2008. This should be an article at the Spring Town Meeting to transfer the funds from our retained earnings. Mr. Melo said this article should be submitted by the end of March. Mr. Race said he would like to see a breakdown of Overhead charges. Mr. Peloquin said the breakdown should include fiscal year 2007 for a comparison. Mr. Hathaway said we need this breakdown to be accountable to the boaters who are paying fees to the department.

Old Business.

Concordia, Inc. Ms. Carol Hill stated there has been no new news, she hasn't heard from Mr. Brian Valiton.

Subcommittee Reports – Commercial Moorings. Mr. Race said they have met several times and have determined that Concordia receive permission to rent moorings with eight conditions [See Attachment A]. Mr. Peloquin moved to waive the reading of the eight conditions and accept the recommendations of the subcommittee. Mr. Metcalf seconded. Mr. Hickey opened it for discussion. Item 1. Mr. Race said they were clear on which moorings to remove due to the new channel established by the Coast Guard. Mr. Melo said that Julian Race took the channel and identified the swing circles of the boats that will enter the channel requiring the move. Mr. Melo said they are moving the smallest number of boats required. Ms. Hill said they have already considered the channel changes when paperwork was submitted to ACE. Item 2. Mr. Melo said it's the list of people that didn't pay their 2007 fees. Ms. Hill received a copy of the list to notify her customers. She will work with Mr. Melo. Mr. Melo said one boat is for CBC and what is the commissions' decision on them paying the fees for their one boat in the harbor. Mr. Race feels everyone should pay the fees. Mr. Peloquin agreed. Mr. John Hayes feels it would be a burden to him if he had to check to see if all his customers pay town fees, he feels it should be with the sticker, if the person doesn't pay the fees, he will not receive a sticker and in turn lose his mooring. Mr. Melo said it is hard to track the owners of the commercially rented moorings, and the commercial company fees should

include effort required to ensure payment. Item 3. Mr. Race said Items 2 & 3 are related. He said it was a one-time out to be sure all fees are paid. Mr. Melo said it is a one-time chance to pay any overdue fees. Item 4. Mr. Race said this creates municipal moorings near the village. Concordia will relinquish these moorings. Mr. Melo said that these will be the first four municipal moorings the Town owns; two for power boats and two for sailboats. Mr. Hathaway said this will address some safety concerns. Mr. Peloquin noted that this directive was discussed with Concordia and he wants the minutes to reflect that Concordia voluntarily relinquished the sites and Concordia feels that it is a good public service necessary for public safety. Item 5. Mr. Race said that they will give Concordia until September 15, 2008 for the ACE to grant Concordia the required permits or plan to remove them. Ms. Hill said rental agreements go to October 21 and they will generate a letter informing their customers. Item 6. Mr. Race said this will create a dialog between Mr. Melo and Concordia. Item 7. Mr. Race said its just language to be sure what happens. Item 8. Mr. Race said there will be a clear letter sent so the customers will know what is happening. Ms. Hill said her contracts will be going out shortly. Mr. Hickey explained the intent of the subcommittees report is to let everyone know what is happening. Mr. Melo will draft a letter and have the subcommittee review it. Mr. Peloquin amended his earlier vote to defer on site 31-02 and make sure the dates are OK with Mr. Melo. Mr. Metcalf seconded. All in favor with the earlier motion by Mr. Peloquin. Mr. Hickey commended the subgroup for a job well done and thanked them for the time put into it.

Subcommittee – Personnel. Mr. Melo said they met several times and have put together a job description advertised in the local papers and any free web sites. Mr. Melo said that it emphasizes that it is a Waterways Enterprise funded position. He said they have already had one response from a web site. The deadline is January 28, 2008. Mr. Hickey said the subcommittee will review the applications and give their recommendations. Mr. Hemingway said that this job is a position that will help the boaters and run a more efficient department.

Rogers Street Update. Mr. Race said Mr. Michael O'Reilly called him and Mr. O'Reilly has a meeting on Thursday with the DEP. He said Mr. O'Reilly feels that the site may require yearly testing or inspections on groundwater. Mr. Race said lighting options for Rogers Street are being researched. One is for low energy LED lighting or solar powered lighting. He suggested a meeting with the DPW regarding new lights. Mr. Peloquin said these lights provide big savings. Mr. Race said he will check into free samples and will do further research. Mr. Melo stated he has heard that the Finance Committee may be looking to Waterways Enterprise funds for more reimbursements to the general fund based on 1980's activities. He saw it on a FinCom agenda. Mr. Peloquin said he has deeds showing one related parcel was a taking and the price of the other was approximately \$60,000. Mr. Hickey said he would like to attend the FinCom meeting. Mr. Race suggested speaking with Mr. Gagne on this.

Harbor Security Updates. Mr. Melo said he is talking with Captain McQuire of the DPD regarding cameras. He would like Mr. Melo to work with the police technician on the issue of linking surveillance of the waterways.

New Business.

Brainstorming Sessions. Mr. Hickey said that they have a list from 2004 minutes on the past brainstorming issues. Mr. Melo handed out copies of the minutes and Mr. Hickey would like everyone to review the lists and have a discussion at the next meeting.

Mr. Melo stated he received a call from Ms. Teri Bernert, a boater on the Town Recreation and Open Space committee. She is looking for a WMC volunteer for that committee. Mr. Metcalf said that committee is looking into waterway access. Mr. Melo will work with them. Mr. Race suggested a rotation of commission members to attend meetings.

Public Comment.

Ms. Carol Hill of Concordia thanked the WMC for their patience in working with Concordia while they are awaiting the decision from ACE.

Mr. John Hayes said that a channel should be marked from bridge to the landing. Mr. Melo said it is in the future plans of the department.

The next meeting is scheduled for Tuesday, February 5, 2008 at 7:00 p.m. at Rogers Street. Mr. Hickey suggested at that meeting we may want to set the meeting schedule for the next 6 months.

It was moved and seconded to adjourn at 8:35 p.m.

Respectfully submitted,

Diane L. Vieira

The Dartmouth Waterways Commission votes unanimously to adopt the recommendations of a Commission subcommittee report. After careful and considerate deliberations, the Commission determined that Concordia, Inc. will receive permission (provisional commercial permits) to rent moorings for the 2008 boating season with the following conditions:

1. Concordia, Inc. will remove their mooring gear from the following sites in Dartmouth waters: 05-01 (location of PATON can "13"); 09-01; 15-01; 18-01; 22-01; 25-01; 26-01; 28-01; 30-01; 32-01; 29-01; 31-01; 31-02; 33-01; 72-01. These sites interfere with the USCG mandated channel as defined in 2007, in response to the Army Corps of Engineers permitting process.
2. Due to a history of several commercial customers failing to pay their required waterways use fee each season, along with the complexities of collecting from non-transient mooring users, starting in 2008, Concordia Inc. (and all other commercial mooring renters) will collect the appropriate Waterways Use (boat) fee for the vessel approved for non-transient use of any site in the upcoming season. Concordia will present the proper waterways use fee (payable to the Town of Dartmouth), along with their request for approved rental of each site before Harbormaster approval is granted for the provisional commercial use of that site. Annual Harbormaster written approval is required for the intended rental use of each provisional commercial site (both new assignments and returning customers). Concordia, Inc. may offer 2008 rentals only to boaters in good standing regarding Enterprise fund obligations, including all fees and boat excise taxes.
3. Any Concordia, Inc mooring renter who did not pay required Waterways Use (boat) fees (or boat excise tax billed) in 2007 (or previous years according to a list compiled by the Harbormaster and Town Collector) will NOT be approved for use on a rental mooring in 2008 UNLESS Concordia, Inc. collects and presents, payable to the Town of Dartmouth, the uncollected waterways (boat) fees plus required 20% penalty for each delinquent customer and causes each delinquent customer to remedy all outstanding boat excise tax issues existing with the Dartmouth Collector's Office BY February 15, 2008. The owner of any vessel for which an outstanding waterways fee or boat excise tax issue remains unsatisfied after February 15, 2008 shall not be allowed use of a rental mooring thereafter.
4. Concordia, Inc. will immediately relinquish use of the following 4 sites 07-01; 09-02; 03-07; 01-03 (last two are mis-numbered – actually shallower sites along channel nearest bridge). No provisional commercial permit will be granted to Concordia, Inc. for these sites. These sites will revert to the Town of Dartmouth for municipal use geared toward improving safety and boater access. Concordia will remove their mooring gear in each of these sites as soon as practical.
5. All permits normally issue on annual basis and expire on December 31st, however Concordia will accept the grant of provisional commercial permits for 2008 until September 15, 2008 only. Unless USACE approval to the satisfaction of the Dartmouth Waterways Management Commission is obtained for all remaining sites by 9/15/08, Concordia, Inc. will remove all remaining mooring gear from Dartmouth waters as soon as practical to allow for re-assignment.
6. Concordia, Inc. will provide complete details of their intended 2008 mooring rental list by March 31, 2008 to the Dartmouth Harbormaster, accompanied by appropriate waterways use fee for the boat intending to rent each site, as indicated in #2 above. In addition, Concordia will provide a complete, written mooring assignment list as of the first day of each following month of the boating season, beginning May 1, 2008. The on-going non-transient assignment of boats to provisional commercial moorings which were un-assigned as of March 31st will follow the process of #2 above, and if approved be included in the monthly updates starting May 1, 2008.
7. The above conditions, requirements and deadlines are not optional and failure of any condition shall warrant forfeiture of any individual mooring site permit or all provisional permits entirely in the discretion of the Dartmouth Waterways Commission.
8. The Dartmouth Waterways Commission will prepare and Concordia will send to each provisional commercial mooring renter a thorough and detailed letter expressing the Commission's rationale, objectives and goals for implementation of the above policies and procedures for 2008 in the absence of required federal authorization. Contingencies following the deadline of 9/15/08 may also be outlined in such correspondence sent by the Commission.