

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING
JANUARY 06, 2009

A meeting of the Waterways Management Commission was duly called and held on Tuesday, January 06, 2009 at 7:00 p.m. The meeting was called to order by the Chairman, Chris Hemingway. The following people were present: Robert Metcalf, Roger Race, Warren Hathaway, Norman Peloquin, Gerald Hickey and Michael Gill. Also present was Mr. Steven Melo, Harbormaster.

Mr. Hemingway 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 09, 2008 was discussed. On page 1, 2nd paragraph should read Mr. Hemingway reviewed the agenda for the meeting, not Mr. Hickey. Also, under Winter Mode, 4th line should be Tripp Angler, nor Angular. Mr. Gill moved to accept the minutes as amended. Mr. Metcalf seconded. So Moved.

Harbormaster Report.

Auto vs. House Accident. Mr. Melo said that the furnace was working the night of the accident, and then later it stopped working. He said that flying cinder blocks caused the damage to the furnace. There are three cracked radiators along with rug damage in the house. Mr. Melo said that the adjuster for the Town has been there along with Mr. Gary Lavalette, a licensed plumbing inspector, who feels that the blocks caused damage to the motor and control box on the furnace. The accident happened on December 16, 2008 at about 5:45 p.m.; the driver was driving without a license. There were three passengers in the car, the son of the owner of the car gave the keys to the juvenile sped north on Padanaram Avenue, lost control hit the embankment, went over the fence and into the foundation of the house. The car is insured by Liberty Mutual. Mr. John Hayes said that the owner of the car is responsible for what happens. Mr. Melo said that Mr. Michael Gagne wants the furnace considered part of the damage. Mr. Peloquin said that we should pursue the cars insurance company not our homeowners insurance if a claim could put the house under the Mass Fair Plan. Mr. Hickey agreed that we should be dealing with the car insurance company, Liberty Mutual. Mr. Melo also said that there were CPU's stored in the basement that got damaged by water. There was water intrusion to the basement. Mr. Melo said that he won't clean the area while waiting for the insurance adjuster so they can see the extend of the damage. Mr. Melo said that there were two firefighters present who were a great help securing the house. He will send a thank you letter to the firemen.

At the time of the accident Mr. Melo was at a meeting on the Cape. Mr. Gill said that this is a good example of preparing the Assistants to handle situations in the absence of the Harbormaster. Mr. Melo asked how to compensate someone that is just standing by and covering the phone for him. Mr. Hemingway suggested checking other departments on the way employees are compensated. Mr. Hickey said that if someone is called in; there should be a payment policy. Mr. Melo is concerned about compensating others for just standing by on call.

Boat/Truck Update. Mr. Melo said that the orange boat is out at Davis & Tripp for work. The pump-out and white angler is still in the water. Mr. Hemingway asked about repairing the plate on the pump-out boat. Mr. Melo said that it hasn't been done; there is no demand for the boat at the present time. He has ordered the pump motor needed. Mr. Race said that he will get another plate done in stainless steel; Mr. Melo said that the work will not be needed until May. Mr. Melo said that the pick-up truck they are using as been brought to the Vocational School diesel shop to check out and service the truck. Mr. Melo said that if Voke can't paint it he will wait until the end of the year and get it done if money is left in the budget. Mr. Melo said that the Explorer has a rejection sticker on it. Mr. Melo said Mr. O'Reilly told him the Conservation Dept. will be getting a new vehicle and the older one may go to Waterways. Mr. Gill said that the Explorer should not be on the street with a rejection sticker. Mr. Melo said that he has a military surplus diesel Blazer he got from Fort Dix this year. He said it has low mileage and got 30 highway mpg on the trip home. Mr. Melo thinks that the department can have two used vehicles on the road. Mr. Gill suggested transferring the plates from the Explorer to the Blazer. Mr. Hickey said that Mr. Melo should determine what vehicles he needs and get them on the road.

Surplus Storage Containers. Mr. Melo said he scored a surplus metal storage container as an excellent place to winter store the Jet Ski; he said that it could be kept at Rogers Street. Mr. Hemingway suggested putting it on our own property, Rogers Street. Mr. Peloquin suggested putting cement blocks under it. Mr. Melo said that this

could be used for storage until the larger building is set up, later it could be put inside the larger building for more secure storage. Mr. Gill said that he will go and pick up the containers at the air force base this week.

Other Town Waterways Departments. Mr. Melo said that a private corporation runs Providencetown waterways. The other Towns researched seem to be run similar to ours. Mr. Melo said that he will keep checking into this. Mr. Hemingway said that he spoke with Fire District #2 and they set their own rates and run under a Prudential Committee. Mr. Metcalf said that the Fire Tax collected with Town taxes is given 100% to the Fire Departments. He said that the Fire Department goes to the Prudential Committee for anything that is needed and the tax rate is set figuring what will be needed for the year. Mr. Hemingway would like to look further into such options to run the Waterways Enterprise. He said there should be a schedule to pay the assistants based on seniority and responsibilities.

Upper Harbor Hunting Problem. Mr. Melo said that there is a problem with people shooting birds between the island and the houses. He said that the Police Department has been called, but the hunters have left when they arrive. He stated he doesn't know all hunting laws but knows you can't discharge firearms within 500 feet of a house. Mr. Metcalf said there is also hunting near the marshes.

Mooring Gear Regulations. Mr. Melo said that there is an on-going problem with mooring chains. He said that the minimum chain has always been 5/8 to 3/4 inch but people are exceeding the diameter sometimes by great degrees and it is creating problems in the harbor with other boats. He said if one boat has a 2" bottom chain and another has 3/4" chain, one is riding on his chain and the other on their mooring causing boats to bang into each other. Mr. Melo said that he has spoken with the three mooring companies and he would to have standard chains. He said if someone feels smaller chains are dangerous they can go to the outer harbor with their massive links. Mr. Hathaway asked if the larger chains on the North side were installed because of hurricanes. Mr. Melo said that it was cheaper to purchase 1 to 2 inch surplus chain than galvanized chain and people do it. Mr. Hathaway also said that part of the regridding is for boats to have the same size chain. Mr. Melo said he will notify the mooring companies that starting with the spring inspections anyone that would like to exceed the standard chain has to notify the Harbormaster. If they want to stay in the inner harbor they have to comply with the chain regulations. Mr. Hickey asked about liability to us. Mr. Melo said that no boats have broken free due to substandard chain size. Mr. Hemingway asked Ms. Carol Hill of Concordia what they use. Ms. Hill said that they use what is specified. She said that most of the bumping problems they have are due to oversized chains of others. Mr. John Hayes said 2" chain is too much but he prefers 1" chain attached to a steel counterweight. He's afraid using 3/4" tied to 2,000 lbs. will eat away in three years. Mr. Hill feels most of the wear is on the top chain near the pennant. Mr. Melo asked her if 1" bottom is a problem. Ms. Hill feels that most of the problems are with more than 1". Mr. Melo said that some places outside the harbor may want larger bottom chain. Mr. Hickey said when the regridding is done; we will be looking at all the problems. Mr. Peloquin suggested taking the word "minimum" out of the regulations regarding chains sizes. Mr. Race moved to change the mooring specifications title (schedules A-F) to 'Minimum Anchor and Exact Ground Tackle Specifications'. Mr. Gill seconded. So Moved. Mr. Melo said that he will put this on the spring bills to clarify it and notify the service providers. Mr. Hathaway asked if it can be upgraded at inspection time. Mr. Melo agreed.

Helix Moorings. Mr. Melo said that Helix is now allowed with individual permission of the WMC in Dartmouth. He asked for authority to approve helix in the north side regrid if they pass the individual stress test to avoid everyone going before the WMC. If he denies one, individuals may appeal to the WMC. Mr. Gill moved to authorize the Harbormaster to decide on the Helix moorings for the North Side. Mr. Peloquin seconded. So Moved. The North Side Helix general approval is by the Harbormaster and denials can go before the WMC. Mr. Melo said that he does not allow new mushrooms on the North Side of the bridge due to the depth of the water. Regulations for the installation of mushroom anchor require his approval and he does not approve them in less than 10' of water. Ms. Hill said the lifespan of mushrooms is 10-15 years.

Mr. Peloquin stated that if there is an issue with the under 20' boat chain specs it should be addressed while we are amending these schedules. Mr. Melo agrees that in most small boat applications, 1/2" bottom chain is more than sufficient. Mr. Peloquin moved to amend Schedule A, Appongansett Bay North of the bridge for vessels under 20' to reduce the bottom chain to 1/2" not the current 5/8". Mr. Hickey seconded. So Moved. Mr. Hickey also stated that the Harbormaster has final approval on everything.

New Business.

South Wharf. Mr. Melo said that he was notified the week before Christmas that South Wharf was petitioning the Conservation Commission to change their north dock. He said two things have his attention: First, they want to put diagonal finger piers going diagonally off the north side 24-33 feet in length; and second, an 80 foot finger pier at the end where the fire boat was. He said that these new piers seem to be close to Davis & Tripp slips and the channel. He said the notice went to the two street abutters only, NBYC and the Elm Street condos. He showed a copy of the letter to Davis & Tripp. He and Michael O'Reilly of the Conservation Commission will try to measure the clearance between the two piers. Mr. Melo feels that the 80' pier would really jeopardize navigation between the piers and into the channel. Mr. Peloquin feels that a copy should be forwarded to the Coast Guard. Mr. Melo said South Wharf will be going before the Conservation Commission on January 20th before State DEP action. Mr. Hemingway feels that we should send a letter to the ConCom before their meeting so it can be read into the minutes of the meeting. Mr. Peloquin feels there is not enough information in the plan presented; he also said that all of the interested parties have not been notified. Mr. Peloquin said that he will draft a letter to the Conservation Commission from the WMC. He feels that this will be an obstruction to navigation in an area too close to the bridge. Mr. Hathaway feels that there are too many unanswered questions.

FY 2010 Budget Preparation. Mr. Melo handed out a draft of the F/Y 2010 budget. He said that the number of moorings is down slightly, due to the change in the channel and those unassigned prior to regriding. He said that the excise tax hasn't changed in years because the formula in the state statute hasn't changed. He said that he originally included CVA grant funding as revenue but Ms. Karvonen said that it couldn't be included as revenue. Mr. Melo said that he would like the total assistant salaries to match or exceed his, but it could not be done this year. He was told by the Town Accountant to use the same overhead figures as last year. He said the revenue vs. expenses left a \$779.85 balance for retained earning projects. Mr. Hickey said that amount has to be absorbed into the budget; the expenses should equal the revenue. Mr. Melo thought the Commission wanted to earmark funds for a future projects. Mr. Melo said in 2008 not much was put into retained earnings, this years expenses are being kept lower, but the year isn't over. He said that the 2010 budget expenses are lower than 2009, he has eliminated some fees and lowered some line item amounts. Mr. Hemingway said that he would like to see monthly updates on the budget. He feels that payroll is the only place that budgets can really be cut.

Mr. Hickey asked about the hours of the clerical assistant. Mr. Melo said that the hours may be close to a union position. He said that it is still considered a seasonal part-time position, which is not a union position. Mr. Hickey said that it was agreed to use two assistants in the office if needed to avoid that issue. He understands that it is easier to work 8 hours daily to get the work done than to break it down into less hours a day. Mr. Melo said that Lisa is working these hours as previously agreed, and other assistants don't work as much in the winter. Mr. Hickey asked Mr. Melo if he has enough help scheduled. Mr. Melo said he would always like to see more presence on the water in season. Mr. Hickey said we haven't raised the rates much and the public sees the Harbormaster and assistants in the water, but before rates are raised more visible projects should be completed. Mr. Hemingway said that the revenue will increase when Rogers Street and the regriding are done, bringing in more boaters. Mr. Melo said that he is looking into dingy racks and floats at Hill Street. Mr. Hemingway suggested the assistant hours could be changed working more during the busier months, even less during the slower months.

Mr. Julian Race suggested another source of revenue could be a by-law change that will allow the revenue from violations written by the assistants be revenue for the Waterways Enterprise and not go to the State. He said that he has drafted by-law language that will allow this. He said that the Environmental Police will still be able to write their violations, but the violations that the assistants write will go to the Waterways Enterprise Fund. He said that presently if they stop and give someone a violation for speeding the revenue goes to the State; most people receive warnings first. Mr. Hathaway said that we have to set the parameters, but not to go overboard. He said now we get blamed for the written violations even if they are by the Environmental Police. He feels that word gets around with the staff warnings and people do slow down. Mr. Julian Race said that we will be able to keep track of the warnings given with the new system by WPI. Mr. Hemingway said that this should be put on the agenda for a future meeting.

WPI Database. Mr. Julian Race said that the students left but the database is complete and looks good. A presentation will be made at a future meeting. He said that there will be a users manual and the WPI students will also hold a learning session with the Harbormaster and assistants that will be using it.

Old Business.

Commercial Moorings. Ms. Carol Hill of Concordia said that the system is working and she is collecting the waterways fees from her customers. She said that 7 or 8 of Concordia's moorings will be kept open for service. She said she hasn't seen a lot of departure of boats due to the economic times. Ms. Hill said they are still considering the dingy valet, but few people used it. Some of her customers have rented Town dingy racks.

Rogers Street Update. Mr. Melo said that some WMC members met with the Mayor's Staff in New Bedford. He said that the City has received some complaints about CBC. Mr. Race said that we will not get a lot of help from the City in the Rogers Street area. Mr. Hickey said that there is a memorandum of agreement between Dartmouth and New Bedford on the limitation of moorings in the area. Mr. Melo asked for a copy from the New Bedford ConCom. Mr. Hemingway feels that the meeting with New Bedford should have been after this WMC meeting so the commission members could have discussed it beforehand.

Mr. Race asked about the federal economic stimulus program. Mr. Hemingway said that Mr. Gagne talked about the program on TV and the government seeks projects that are "shovel-ready" to go. Mr. Hemingway told Mr. Gagne that the WMC has projects that they would like to have included. Mr. Race said that putting in storm drains, public access to the water and handicap accessibility to the house could be put in the package. Mr. Peloquin said we should only put the projects that are ready to go in the package. Mr. Gill suggested putting the projects in two phases; ready to go and future projects. Mr. Race said the government wants only ready to go projects. He said that the Rogers Street site cleanup and handicap accessibility for the house are ready to go, the site has DEP approval and is ready to go to bidding. Mr. Race said he will put a package together to be submitted to Mr. Gagne by Thursday. Mr. Peloquin moved to go only with Plan A, the ready to go package. Mr. Hickey seconded. So Moved.

Mr. Hathaway said that all members should know about any future meetings where policies are discussed. He feels that WMC should have discussed a plan before going to the meeting in New Bedford. He stated he has been on a lot of boards and if it involves policies he would like to go on record saying that he would like to discuss it as a group first. Mr. Hickey stated that Mr. Peter Kavanaugh called him and set up the meeting to be a fact finding mission that would be reported back to the WMC. Mr. Peloquin feels that the Rogers Street ramp was going to be for the Town of Dartmouth and doesn't recall any mention of New Bedford being involved with it. Mr. Hickey said he didn't feel it would be a joint venture; he only wanted New Bedford to know what was going on and feels that some issues concern both towns. Mr. Hemingway and Peloquin both feel that in the future all members should know about any meetings. Mr. Hickey agreed.

Public Comment. None.

The next meeting is scheduled for Tuesday, February 10, 2009 at 7:00 p.m. at Town Hall, Room 314 if available.

It was moved and seconded to adjourn the meeting at 9:45 p.m.

Respectfully submitted,

Diane L. Vieira