

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING

MARCH 03, 2009

A meeting of the Waterways Management Commission was duly called and held on Tuesday, March 03, 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 and Michael Gill. Excused was Gerry Hickey. Also present was Mr. Steven Melo, Harbormaster.

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

The minutes of the meeting of February 10, 2009 was discussed. Mr. Hemingway said at the top of Page 2 it should be Provincetown not Providencetown. Mr. Race moved to accept the minutes with the change. Mr. Peloquin seconded. So Moved.

Meeting with Mr. Ed Iacaponi.

A. Bridgetenders. Mr. Iacaponi, Director of Budget and Finance, was present. He said that the Finance Committee has discussed why the Bridgetenders are not part of the Waterways Division. Ed said that he now understands that Bridgetenders allow operation of the roadways and not the waterway, but he feels they could be utilized by Waterways. It is first and historically a waterway. He would like the Waterways Commission to meet with the Finance Committee to discuss this. Mr. Race said that the Federal Government through the Coast Guard requires that the water vessel has the right of way. Mr. Melo stated that the Federal Register rules state that from May 1st to November 1st the bridge should open from 5:00 a.m. to 9:00 p.m.; we now open the bridge at 6:00 a.m. At all other times, the bridge must open with 4-hour notice. Mr. Melo said that he could save the Town money by covering the bridge during the off-season after November when he is available. Mr. Iacaponi said that he wants a long-term solution. Mr. Melo said that the bridgetenders could be under his supervision but be paid by the Department of Public Works since the waterways fund lacks enough money to cover tender salaries. He said that the bigger problem is the bridge mechanism itself. Mr. Hemingway said he is concerned that the Waterways Division will end up with the complete responsibility for the bridge, including the inevitable need for replacement within the next five years. Mr. Metcalf said a simple solution is to keep the bridge open to boats all day, but for the residents going around it would not be a good solution. Mr. Melo said the Coast Guard threatened the Town in 2008 with a \$10,000 per day fine if the bridge could not open for marine traffic. Mr. Metcalf said that the boats always had the right of way before cars over a waterway. Mr. Iacaponi will discuss this with the Finance Committee and find a solution.

B. Shellfish/Natural Resources. Mr. Iacaponi said that this is a big issue; he said that this was once part of the enterprise fund. He said there isn't enough income to support it in the enterprise system, so it was changed. He would like to see the Waterways Commission, Ken Pacheco and anyone associated with the waterways to meet with the Select Board. He said that the grants that are promised never come through. Mr. Iacaponi said they have the second meeting for regionalization of different areas with the Southcoast communities. He said that you have to be careful which Towns pair up. Mr. Race feels that the Shellfish Department is one area that could be regionalized. Mr. Iacaponi feels that maybe the Waterways could take it over and hire a couple Assistant Harbormasters to work Shellfish. Mr. Hemingway said that the WMC had a scheduled meeting for March 16th with the Select Board. Mr. Iacaponi will check the date with the Select Board Office. Mr. Melo said that the Shellfish boat 'Parker' was brought with General Fund money. Mr. Race said that the Parker could be sold, it's worth alot. Mr. Melo said that if all Shellfish areas are terminated, someone still has to watch the people who shellfish in those closed areas. He said that it really is an enforcement job. He said that the person volunteering still gets reimbursement from the Town for mileage. He was told he is a commercial shell fisherman who also gets his shellfish license as a comp for volunteering. Mr. Iacaponi said that Town is still liable for volunteers. Mr. Melo also said the State requires a 40 hour training course to be certified to be a Shellfish Constable. He said without certification, he cannot legally do any shellfish enforcement. There is no course currently scheduled since there is no state-wide demand. Mr. Iacaponi said that he sees alot of mandates from the State and no way to control them. He said that Governor Patrick is giving the Towns some regional control. Mr. Hemingway said that the Shellfish situation is alot more complicated than the Bridgetenders. Mr. Iacaponi said that he would get

more information from Mr. Pacheco on the Shellfish Department. Mr. Iacaponi said that an enterprise system is just an accounting system. He said that he needs a five-year capital project plan from Waterways.

C. Storage Buildings. Mr. Iacaponi said that he is trying to put one up; he would like to put one up at the DPW water division. Mr. Hemingway said that it was discussed to put up a knee wall to replace the material that was cut from the building when it was moved. He said that Mr. Gagne had told the WMC that they could have part of a building for boat storage. Mr. Iacaponi would like to see them all up; two at the DPW and one at the Police Station. Mr. Iacaponi said there are no guarantees who will get use of the buildings; he said it is about \$65,000. to put up the buildings. Mr. Hemingway said they need storage for the boats to work on during the winter months, he said that the DPW needs storage for plow equipment during the summer months. Mr. Iacaponi said he needs a solid plan on putting them up and how to pay for it. He said he would keep Waterways in the loop for use of these buildings.

D. Rogers Street damages. Mr. Iacaponi said that the claim has been submitted. Mr. Melo said that previously they were going to pay \$9,000. for damages, but it didn't cover the furnace or radiators. Mr. John Bouregard, of Sylvia Insurance, is the Town risk advisor who works with underwriters. Mr. Melo said that Mr. Gagne was going to add the furnace to the claim. Mr. Iacaponi said he would call Mr. Bouregard to update him, he feels we shouldn't have to pay the deductible of \$5,000. since the car was at fault. Mr. Peloquin asked why we aren't working with the car owner's insurance company. Mr. Iacaponi will look into it.

E. Harbormaster's Accumulated Vacation. Mr. Iacaponi said that the Harbormaster is under the continuation of what his contract says about vacation. He suggested paying down some of his vacation time as a way of getting the time off the book. He stated Mr. Melo has 11.4 vacation weeks on the book and should only be carrying 3 weeks vacation into the new fiscal year. Mr. Hemingway asked if it could be paid during two fiscal years. Mr. Melo said that he accumulated much the vacation due to covering for others during the past few years.

F. Finance Committee Meeting, March 12, 2009. Mr. Melo will not be available this date. Mr. Iacaponi suggested going before the Select Board on March 16th first, and then the Finance Committee at a later date. Mr. Iacaponi suggested bringing a simple handout to the Select Board meeting with any ideas that the WMC has. He has to decide on what to do with the Shellfish Division soon. He said that the volunteer working for the Town needs to be controlled and he cannot enforce the laws of the Town. Mr. Iacaponi asked about the mooring fees. They remained at the 2008 rate for 2009. Mr. Melo said that revenue will be down somewhat because many people will not use boats due to the economic times. The Town gets 50% and Waterways get 50% of boat excise tax collected. Any increases in the Landing fees have to be approved by the State.

Harbormaster Report.

Budget Update. Mr. Melo said that we are receiving revenues at a faster pace than prior years, despite an anticipated overall decrease. He said that the Clean Vessel Act money is not allowed as operating budget.

Truck/Auto Update. Mr. Melo said there is no change on boat status. The Angler broke up the north ice that threatened the bridge and piers. Mr. Hemingway asked if we were using the free storage offered by Concordia. Mr. Melo said that it wasn't needed this year. Mr. Gill asked about the orange boat. Mr. Melo said that it is still orange and getting attention at D&T. The military Blazer returned from Voke, they assessed the vehicle and fixed everything that needed fixing. He said they did a good job for the cost of parts only.

NBHTC Grant Application. The application has been sent in and was acknowledged as received.

April Vacation. Mr. Melo stated that he would be on vacation out of Town one week in April. He said that Lisa would be in the office three days. Mr. Hemingway asked if a procedure was established for coverage. Mr. Melo said he could ask the assistants to be on stand-by. Mr. Hemingway asked if there was a plan for the person covering the pager. Mr. Gill moved to have the person on coverage be paid one hour a day to carry the cell phone and radio and be paid a minimum of three hours if they are called in. Mr. Peloquin seconded. So Moved.

Mr. Melo also stated that Thomas Gill, an Assistant Harbormaster, would be leaving to join the Coast Guard. His position will not be filled at this time.

New Business.

Billing Process. The bills were mailed out and they seem to work fine. He said that the new database should be working by May. He said that each year the billing system gets smoother and easier to use.

CPC Funding for Harbor Management Plan. Mr. Melo has researched ways to get CPC funding for a Harbor Management Plan. He said that Falmouth financed their plan this way. Mr. Melo said that \$15,000 to \$25,000 is needed for this plan. Mr. Race said that Mr. Buddy Baker-Smith of the CPC said that if we have multiple requests they have to be put in priority order. Mr. Hemingway said that he doesn't know if we need this plan, he asked if it should be done in the Fall. Mr. Peloquin asked what the benefit is to fund such a plan. Mr. Melo said one benefit includes shore side floats, they could be regulated locally; they are not regulated now. Chapter 91 requires a permit to put a float at a waterfront home.

Season Pass Notice. Mr. Melo said that the State has approved rebuilding the ramps with federal stimulus funds; this can be done anytime during the summer. Mr. Melo wants the public to understand that if they purchase a season pass for the landing; it will not be refunded if the ramps are shut down. Mr. Melo said that he will check with the Public Access Board regarding refunds. Mr. Melo said that this notice would be posted at the Town Hall where the season passes are purchased.

Old Business.

Commercial Mooring Review. Ms. Carol Hill of Concordia was present. She said that they still have 8-10 moorings available for small boats. She said that some smaller boats aren't going in this year due to economic times. She said they put an ad in Craig's List for the moorings. Mr. Hemingway asked if Mr. Melo has talked to South Wharf about the way commercial companies are collecting fees. Mr. Melo said that he hasn't spoken with South Wharf or the New Bedford Yacht Club yet. Mr. Melo said they required it of the mooring companies but requested it for the docks, which Davis & Tripp did. He said that the NBYC didn't have a big turnover so it is easy enough to bill the owners. Mr. Dave Nolan of South Wharf was present and said that he would be willing to do it, he asked that a letter be sent to him stating what should be done.

Mr. Hemingway asked if the monthly update for commercial companies could be taken off the agenda. Mr. Hathaway suggested it be done on a quarterly basis. Mr. Peloquin moved to request the Commercial Mooring review be done on a quarterly basis. Mr. Metcalf seconded. So Moved.

Rogers Street Update. Mr. Race said that a new application will be sent in for \$97,000. in CPC funds. He said that nothing changed and he is finishing the new paperwork to submit it to CPC. Mr. Gill asked if the land should be mowed and kept cleared. Mr. Hemingway said that it will go out to bid the end of March and then they should be ready to go after Town Meeting appropriates the money. It has to be finished soon by DEP ruling.

South Wharf Dock Proposal. Mr. Melo gave the WMC copies of the proposal by South Wharf. Mr. David Nolan of South Wharf showed two clearer copies explaining the plan to the WMC. Mr. Nolan apologized to the WMC for the way it was handled from the start. He explained what the plan is for South Wharf. He said there were concerns for the North side so they eliminated that part of the plan. He said they will be taking out some pilings and putting in some floats, creating a reduction of 4 slips. He said some pilings were not licensed so they are trying to get it all in compliance. He said reducing the slips will make the remainder slips more comfortable. He said that there should be no changes in navigation. Mr. Hemingway said that with these plans, there will still be room for clearance. Mr. Peloquin said that his questions have been answered. Mr. Peloquin moved to retract the original letter to the Conservation Commission and given the improvements and redesign acknowledge our acceptance of the proposed application. Mr. Gill seconded. So Moved.

Town Hall Issues.

Union Representation. Mr. Melo said that it is soon to be finalized; he said the Town was put on notice of union representation which could impact changes in any job descriptions that were discussed.

Department Head Meetings. Mr. Melo said that he went to one today and there will be one next week. He said all the department heads attend.

Mr. Chris Hemingway asked the opinion of the WMC on what to add to the WMC: Bridgetenders or Shellfish Department. Mr. Hemingway feels that the Bridgetenders would be useful to the department. Mr. Melo feels that this would also bring the responsibility for the bridge maintenance and repairs. Mr. Melo said that by statute he can only hire Assistant Harbormasters at the town-set rate; he feels that the new bridgetenders should be hired at a lower rate than Assistant Harbormasters. Mr. Hemingway feels maybe the present assistants could cover the bridge. Mr. Melo said that would take them off the water and would be cause problems. This would also place the burden of paying for a DPW function on the boater fees. The assistants don't start work at 5 a.m. each day. Mr. Melo said that Shellfish enforcement is done 90% by land whereas the harbormasters work is 90% on the water. Mr. Hathaway said the Bridgetenders are expensive due to the number of hours the bridge has to be available to open. Mr. Metcalf feels that the Bridgetenders would be a better fit for the waterways department. He said that the Shellfish Department covers alot of area. Mr. Melo suggested that during the mid-summer when the bridge can't function due to the heat, maybe the bridge should stay open to boats only each day until the weather cools, especially on weekends saving tender salaries.

Public Comment.

Mr. Don White said to be careful of the Bridgetender budget.

The next meeting is scheduled for March 11, 2009 at 7:00 p.m. in Room 314 at the Town Hall to discuss the upcoming meeting with the Select Board.

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

Respectfully submitted,

Diane L. Vieira