

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING

JUNE 08, 2010

A meeting of the Waterways Management Commission was duly called and held on Tuesday, June 08, 2010 at 6:01 p.m. at the Dartmouth Town Hall. The meeting was called to order by the Chairman, Michael Gill. The following people were present: Roger Race, Chris Hemingway, Warren Hathaway, Gerry Hickey, Norman Peloquin and Joseph Hannon. Also present was Mr. Steven Melo, Harbormaster.

Mr. Gill reviewed the agenda for the evening. Mr. Hemingway moved to accept the agenda. Mr. Hathaway seconded. So. Moved.

New Business.

Professional Engineering Services for Re-grid. Ms. Susan Nilson, P.E. of CLE Engineering, Inc. was present to discuss the mooring re-grid. Also present were Sharon Quinlan of Davis & Tripp and Steve Gomes of Pioneer Mooring. Ms. Nilson handed out an overview of the regrid and CLE Engineering. She said that she has worked with Hingham, New Bedford and Marion doing regrids. She said that she would discuss what she learned from the other regrids and how she can apply them to Dartmouth. She said that CLE Engineering is a waterfront engineering firm; she has been with them since 1993 and took over in 2003. They are a local firm with local knowledge and most of the employees are boaters. They have worked with the Department of Recreation and Ecological Restoration. They have done similar projects to what Dartmouth wants. She said the regrids could increase moorings from 20-30%. In New Bedford, they did two different regrids on Gifford St and Popes Island; they both had different results. They work very close with the Harbormaster or Commissions to know what the interests are for the town. One lesson she learned on these projects was that a Town should know what they want to gain from the regrid. She said that Towns want different results, it is important to know what is needed in each area before starting the project. Another lesson is to get to know the interests of the people early on in the project and the need to have accurate information on the vessels to know the potential placement of them. Open communication between the engineers and contact person. Public input is important; some Towns have public hearings to get the boaters involved. They recommend assigning mooring to the existing permit holders first looking for any problems, and then open it to the waiting list. Ms. Nilson said that our regulations are similar to New Bedford. She said when doing a regrid it is important to keep the depth of the water in mind. She said that they use all the existing data available to the Town. She said they then take all the information and create an AutoCAD drive. Mr. Race asked if the other Towns have regulations that the mooring companies have to adhere to. She said yes. She said some Towns want as tight a grid as possible, but she takes safety into consideration also. She said the cost of engineering for the project is \$5,000 - \$7,000 depending on what the Town needs. She said some Towns didn't buy a differential GPS because they would like the installers to be responsible for the mooring locations and some mooring installers like to use their own GPS's. The cost to relocate moorings was between \$100 - \$125 per mooring. Mr. Race asked about a time schedule. Ms. Nilson said that there is no timetable; it depends on what is required in each Town. Ms Nilson feels that Dartmouth will fall in the \$5,000 - \$7,000 range. She said that we would get the information and a soft version of the plan which could be used to manage the database.

Mr. Hannon asked about the risk factor for the swing. Ms. Nilson said that she would speak with the Harbormaster and boaters to see how each boat handles in local waters. Mr. Melo said that we have some boats that are close to each other. Mr. Hickey said we would like to start this in October. Ms. Nilson said that it seems realistic as long as we have all the goals set that we want to accomplish. She said they like to know the Towns goals early in the project. Mr. Hemingway asked what Ms. Nilson offers that the Town cannot do themselves. Ms. Nilson said there is a benefit in the Engineers having worked with other Towns and being able to create an electronic version and having it all set up in AutoCAD. She said Dartmouth is scaled back since she will not be working with the regulations. Mr. Hickey asked about a checklist of what should be done to get the information to CLE in a timely manner. She said that prior to starting the project they would like to have a list of the expectations and goals of the Town. Mr. Gill asked if she would be available to go to public hearings. She said yes, that this is another benefit that she would take the questions and answer them. Mr. Hannon asked Davis & Tripp and Pioneer if they had the equipment needed. Davis & Tripp doesn't but Pioneer does since they worked in New Bedford. Mr. Hemingway asked about spud poles. Ms. Nilson said she has worked with them, she feels

that spuds are more accurate for follow-up inspections and not installations into the new grid. She said she is experienced in working with the limitations of equipment in each Town.

Old Business.

David Cressman re: Rogers Street. Mr. David Cressman, Executive Administrator, was present. Mr. Cressman thanked the WMC for having him. Mr. Cressman said that he feels that it should be Waterways property and within the authority of the group and according to the WMC by-laws we can make rules and regulations governing the waterways and related public facilities in the Town of Dartmouth. Rogers Street could be considered a related public facility. He feels that the rules and regulations for the Town Landing could be adopted for Rogers Street. Mr. Peloquin pointed out that the big difference is the Public Access Board would not be involved in Rogers Street. Mr. Melo also pointed out that the Rogers Street area is a residential neighborhood. Mr. Gill asked about no parking signs being posted in the area. Mr. Cressman said to send the request in writing to his office. Mr. Hickey said that he is concerned with cars being parked on the curve and the safety of the children that cross the street. He said that we met with the former Police Chief and would like a recommendation from the safety officer for this area. Chief Timothy Lee said that the Safety Officer has been working with a resident in the area, Mr. Michael Santos. Mr. Santos was present at the meeting. Chief Lee said that Mr. Santos has a problem with parking on his property. Chief Lee said that residential parking permits have been issued in the area. He said that the police have been patrolling the area and have been in contact with the Safety Officer. He said that the parking situation has to be a compromise between the Town and residents of the area. Mr. Cressman said that children crossing the street has to be joint venture with New Bedford. Mr. Gill asked about a closure at the end of Rogers Street. Mr. Cressman said that Mr. Melo has to work with the Police, and Mr. David Hickox to determine the best way to handle the situation at the end of the Rogers Street. Mr. Gill said that the grass at the end of the street is New Bedford but most the area is in Dartmouth. Mr. Cressman asked if the right of way has been accepted by the Town or is it an old 'Paper Street'. Mr. Hannon feels it is a town accepted street; Mr. Melo said he isn't sure, but the Town maintains it.

Mr. Cressman stated that curb stops would be installed in part of the parking lot so a car doesn't roll down the hill. Mr. Melo said that it is a small area that needs the curb stops near the retaining wall. Mr. Hickey asked if the WMC could create rules and regulations. Mr. Cressman said that the WMC could create rules without Town Meeting once they have selectboard authority for the site; the only thing to go to Town Meeting is if the street will be closed permanently. Mr. Melo asked if the Police could enforce rules and regulations or just by-laws. Chief Lee said that they could. Mr. Hickey asked if the end of the street would delay opening the area. Mr. Cressman said that the final report has not been approved by the DEP. Mr. Santos said that he lives on the corner and people seem to go through the stop signs, he said he is concerned about people with boats not stopping. Mr. Gill said that the police give out tickets, but it doesn't stop people. Mr. Race asked about cameras watching the street corner. Mr. Cressman said it is not allowed by Mass Laws. Mr. Race said that there would be cameras in the parking lot on a video loop. Chief Lee said that the Police cannot put up cameras, but once installed the cameras can be feed to the Police Department and the dispatchers can monitor them when needed. He said that if the dispatchers get a call they could turn on the monitor. Mr. Julian Race asked if Mr. Cressman knew if there was fiber in the Town streets. Mr. Cressman said that there probably is but no one except who installed it knows where they are. Mr. Melo asked Mr. Santos how the neighbors feel about the cameras. Mr. Santos there is no problem with the cameras and they hope the cameras will help the area. Mr. Gill said that there seems to be enough fencing in the area. Mr. Melo said that two gates are up; the third area is blocked by concrete blocks until the DEP gives final approval or the lot is ready to open. Mr. Gill asked if Mr. Santos has seen any problems in the area. Mr. Santos said that there as only been some skateboarders in the area. He said that one neighbor was concerned about the vegetation growth and if the Town was putting up any more fencing. Mr. Santos will talk with his neighbors about the area. Mr. Santos asked about the hours of operation at Rogers Street, he said Appongansett has no neighbors so it is open early; also he asked about the lighting, it goes in his neighbors' windows. Mr. Race said that we need the light for security but we will look into putting a shade to keep it from the neighbors. Mr. Race asked if opening the area at 7:00 am would be fine. Mr. Santos said that it would be great. Mr. Race said that we are waiting to see what the area is like when it is open. Mr. Santos said that the area seems to be cleaned up some and with the park closing at 7:00 pm the area is better. Mr. Santos asked about the parking in the lot. Mr. Gill said that the parking would be regulated by parking permits and fines. Mr. Hemingway asked if we could temporarily close the end of the street after the DEP approves the area. Mr.

Cressman said that he would like to see the status of the area before making any decisions. Mr. Hickey said that we need to get the area open and then get input from the neighbors, police and all involved before any final determinations are made. Mr. Hannon asked if we could open the area for free and see what happens. Mr. Race said that the Town would lose control of the area. Mr. Hathaway said that he is concerned with people using the ramps. Mr. Gill said that the DPW could clean the sand. Mr. Melo said that there is a trench in the pavement from the rain and it has to be fixed before anyone can use it with trailers. Mr. Peloquin feels we need to get the regulations for the area soon. Mr. Melo said that we need a public hearing for the new regulations. Mr. Hickey moved for a subcommittee to be set up for gathering the information needed for the regulations. Mr. Hemingway seconded. So Moved. All in favor. The subcommittee will consist of Mr. Hickey, chairman, Mr. Peloquin and Mr. Gill. Mr. Hannon asked if the ramp will be open to everyone or Town Residents, we need to know for the regulations. Mr. Melo said that if we use public access funds it has to be open for anyone in Massachusetts. Mr. Hemingway said that this area was opened to help traffic at the Appongansett Landing; most of the people that will use it will be coming from New Bedford. Mr. Gill said that New Bedford has two or three landings closing for repair, people will need a place to go. Mr. Julian Race said that starting next year the Mass. Division of Marine Fisheries will be issuing new salt water fishing permits, one third of that money will go to the Public Access Board to help fund more access to the water, this area will fall under that category. Mr. Peloquin moved to open the ramp to the public at large. Mr. Hathaway seconded. So Moved unanimously.

Mr. Melo thanked Mr. Santos for coming in and said if the neighbors notice anything to give him a call. Mr. Santos said that he would speak with the neighbors.

Mr. Cressman said that the Dias family suggested a Saturday for the opening ceremonies for the renaming of Appongansett Landing to the Arthur Dias Landing. Mr. Melo said that the weather is a factor and the landing area is busy on a Saturday morning.

Appointing Assistant Harbormasters. Mr. Melo said that some assistants received letters from the Select Board that their appointments are up in June. Mr. Melo said in the past he wrote a letter to the Select Board on who needed re-appointments and any new assistants he needed. The Select Board needs to approve the appointments. Mr. Cressman said to send the letter to his office by next Wednesday; all part time employees are to be handled by Department Heads.

Police Marine Patrols. Mr. Gill removed himself from the table and handed the meeting over to Mr. Hathaway. Mr. Hannon suggested that if the meeting turns to security measures we go into executive session.

Chief Timothy Lee thanked the WMC for having him tonight. He said that it was suggested to him by his officers that a Marine patrol should be formed. They gathered the information from the past few years and he agreed with them that a patrol should be created. He said that within a few weeks there would be a program called crime reports.com where anyone in Town can see all the crimes that happened in the Town. He said this will show where the problems are and they can respond to them better. He said in a period of three years there were 60 police calls around the waterfront. Based on this he feels the police presence around the waterfront would be a help. Mr. Hannon asked the Chief how many of those 60 incidents of criminal activity originated from shore-side access as opposed to moored boats. There was no indication of that fact, but Mr. Hannon suggested that most of the criminal activity reported on the waterway occurs from shoreside or marina access. The Chief feels that Mr. Melo and his assistants have done a great job on the waterfront. He said that he has been working to get a boat in the water. During the Memorial Day weekend there were break-ins on the waterfront and damage to the box at the Town Landing. The presence of a police boat may stop some crime since the people will not know when the police boat will be in the water. He said some plainclothes officers were sent to the bridge and they were able to help. Chief Lee said that the funding for the boat, the former Shellfish boat, cost nothing to the Town to convert it to a Police Boat installing a light, etc. since grant money was used. He said that there is Federal Grant money available that the Police and Harbormaster Departments will work together to get, but a boat has to be in the water to qualify for it. He said that the Police would be on the water to guarantee safety not to interfere with the boaters having a good time on the water. He would like to do things in cooperation with the harbormaster office, training and learning from each other; he wants this to be a cooperative effort by everyone. He said that the Police Department will not be using any funds from the Waterways Enterprise ever. Once a partnership is formed there is federal grant money that can be applied for.

manpower staffing that day and keeping the budget in mind. He said they would be where they are needed; he will put people on the water at different times to check for crime. Mr. Hickey asked if they would work something out with the environmental police on the waterfront patrols. Mr. Hickey suggested a memorandum of agreement be made between the departments. Chief Lee said that he will look at one but it is not necessary since the Harbormaster has arrest power and they will take any person that he arrests. He said that the police have many of the same powers on the water as the Harbormaster, and the Environmental Police are training everyone. Mr. Hemingway said a concern is if the Harbormaster is says something on the water, it will be helpful if everyone is on the same page. Chief Lee said that his people would be working with the Harbormaster, if someone says that the Harbormaster talked to them the police will respect it. He said that there will be communication between the departments and they can check with each other. Mr. Hickey was concerned that when an emergency occurs, communication is key, he doesn't want one department not to show up thinking the other has taken care of the problem. Chief Lee said that an operational plan would be made between both departments. He said that he has also met with the Fire Departments on communications and public safety. Mr. Hathaway asked if the Harbormaster will control the rescue and the Police will do the criminal work. Chief Lee said that the Harbormaster has the authority to do police work. He said that of the Police that applied for the Marine Patrol some are divers, boaters and firemen. He said that when they work on the water they would do what they have to do to ensure the public safety. Mr. Hannon suggested since they are using the Shellfish Boat should they take over supervision of the Shellfish Department. Mr. Cressman said that he has been discussing this with the Select Board, some of the duties are police issues and some are health issues. Mr. Hemingway said that any Shellfish Warden has to be certified. Mr. Hannon said that the waterways uses boater fees and this money should not be used for the Shellfish Department. Chief Lee said that his officers could check on the shellfish areas. Mr. Hickey said that the violators know when the Shellfish Warden is working and they dig shellfish illegally upsetting residents. Chief Lee said that the officers could check for licenses and make the people leave if they don't have one. Mr. Hemingway said that in the past the police department wanted money from the waterways for a dive boat, he doesn't feel that boater money should be used for this. Chief Lee assured the WMC that he doesn't want any money from the waterways enterprise ever, he will be trying to use Grant money for this; he said that he would run the water patrol out of his budget; he doesn't want mixing of the budgets. Mr. Hickey asked what the WMC could do to help him. Chief Lee said that open communication is the best thing; he wants to work together on the waterfront and co-writing grants. Mr. Melo said that he made it clear to the Police Department that any decision to support the Marine Patrols had to be made by the WMC, and not the Harbormaster. Mr. Melo also said that he provided the insurance information and that the police boat is under his policy, but paid from the general fund; he said that the police might want to check into the crew coverage for the policy. Mr. Peloquin said that he would check with the insurance company on this.

Police Radio Frequency. Mr. Melo asked if the radio change would last long. Chief Lee said that it would be around as long as the federal government allows. He is speaking with the Fire Departments (District two and three Chiefs are present) on this. Chief Lee said that he would give Mr. Melo a portable radio to use until he can update his system. Chief Lee said that when the switchover is made at the end of the month, he would not discontinue the old system; the dispatchers will be able to communicate with both systems. He said that there would be other grants available that he will be trying to get. Fire Chief Andre, District #2, said it is important that everyone is on the same frequency. Mr. Hickey asked if all departments respond to a rescue who is in charge. Chief Lee said the fire departments. Chief Lee said it would be good but since they are not an emergency response boat, they will only respond if they are called. Mr. Hickey said this is a concern and they will discuss it. Mr. Hannon asked about emergency calls. Mr. Melo said that the marine radios go to his office and 911 calls go to the Police Department. Mr. Hickey moved that the WMC support the Police Department on the waterways. Mr. Peloquin seconded. So Moved. Mr. Gill asked about people under the bridge and that "No Trespassing" signs are placed under the bridge. Chief Lee said that they would put the signs on and under the bridge.

Mr. Hathaway handed the meeting back to Mr. Gill.

The minutes of the meeting of May 04, 2010 were discussed. Mr. Peloquin moved to accept the minutes. Mr. Hemingway seconded. So Moved.

NBYC Junior Regatta. Mr. Melo reported that Ms. Marilyn Sams has set up the Environmental Police for the Junior Regatta. Ms. Sams said that the plan to eliminate children if the parents are unruly cannot apply due to the Minutes of the WMC Meeting, June 08, 2010

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US Sailing Regulations. She asked to use the Rogers Street ramp. Mr. Melo told her that the ramp would not be finished. Mr. Hickey asked if the extra Assistant Harbormasters needed to cover the Regatta could be reimbursed by the NBYC. Mr. Melo was told that there was no way to bill them but he will check again with the Town Hall.

Harbormaster Report.

Budget Update. Mr. Melo said that there are no problems with the budget. Mr. Melo said that he would be going to view Pilot Houses for the winter boat at New Bedford's Marine Expo.

Vehicle Update. Mr. Melo said that there are no new updates. He said the pump-out boat is getting hauled out for maintenance. Mr. Hemingway asked about the defibrulators. Mr. Melo said that no progress has been done. Mr. Gill said that it is very important to have updated equipment and this should be done as soon as possible.

Waste Pump Installation. Mr. Melo e-mailed the information to the members; he said that grant money is available to do this job. Mr. Melo said that there is an existing line into the sewer that will be used, it is a 1-1/2" line and the pump can be downsized to fit the line. Mr. Race said to get the job going. Mr. Hemingway moved to approve the expenditure. Mr. Peloquin seconded. So Moved.

Helix/Hazelette Bridge Mooring. Mr. Melo said that they lost the north side bridge mooring and they are temporarily using another mooring. He sent three requests to mooring company, the only response was Steve Gomes of Pioneer. He said that Pioneer suggested using a Helix/Hazelette mooring. Mr. Melo said that it will come out of the operating budget at a cost of approximately \$1,400.00. Mr. Hickey asked if this will fit into the re-grid. Mr. Melo said that it will stay in this spot during the regrid. Mr. Hathaway moved to have it done. Mr. Peloquin seconded. So Moved.

Public Comment.

Mr. Don White asked about Rogers Street. He suggested that since everything is set to go, leave it as is and get the area open. Mr. Hemingway said that the EPA has not given final approval and given permission to use it. Mr. Gill said that it will open as soon as possible. Mr. Hemingway suggested that the area be posted as an unusable ramp. It was agreed to post it.

Mr. Melo said if they want to have a box like at the Dias Landing for parking fees, he has to order it now. Mr. Gill suggested ordering one to have for a back-up.

The next meeting was scheduled for Tuesday, June 29, 2010 at the Dartmouth Town Hall, Room 314.

It was moved and seconded to adjourn the meeting at 8:55 P.M.

Respectfully submitted,

Diane L. Vieira