

MINUTES OF THE WATERWAYS MANAGEMENT COMMITTEE MEETING

JULY 25, 2005

A meeting of the Waterways management Committee was duly called and held on Monday, July 25, 2005 at 7:00 p.m. The meeting was called to order by the Chairman, Gerald Hickey. The following people were present: Mr. Hickey, Robert Metcalf, Warren Hathaway, and Norman Peloquin. Absent were Mr. Robert Szala and Dr. Arthur Burke. Also present was Mr. Steven Melo, Harbormaster.

Mr. Hickey reviewed the agenda for the evening. Mr. Hathaway moved to accept the agenda. Mr. Metcalf seconded. So voted.

Mr. Metcalf said that the WMC would go into executive session according to Chapter 39, section 23B of the Mass. General Laws. Mr. Race moved to go into executive session. Mr. Peloquin seconded. So moved to go in to executive session at 7:10 p.m.

At 7:25 p.m. the regular meeting of the WMC resumed.

The minutes of the meeting of June 20, 2005 were reviewed. Mr. Metcalf moved to accept the minutes as submitted. Mr. Race seconded. So moved.

Harbormaster Report.

Rogers Street Update. Mr. Melo stated that the closing on the Rogers Street property was held on June 21, 2005 at The Cedars. He stated that the results of the most recent environmental testing in the area have not been completed yet. He has not received word on the grant applied for. He has been cleaning and landscaping the property, and shut off non-essential utilities. Mr. Hickey volunteered to assist with any needed work. Mr. Hickey said that after the furniture is installed, future meetings could be held there. Mr. Metcalf suggested asking the School Dept. for any surplus furniture. Mr. Hickey is looking into different surplus areas. Mr. Peloquin suggested a surplus office furniture store in Fall River. Mr. Melo suggested checking the size of the rooms before buying furniture.

Salters Point Re-grid. Mr. Melo said that he has been working on that project with Mr. Julian Race, Assistant Harbormaster. He passed out copies of the proposed grid area and assignments. He is pleased with the outcome, as it will clear the area and help move people off of the waiting list for Salters sites. He is trying to move moorings as little as possible. Mr. Melo said that he has forwarded the plan to Pioneer Moorings who has an urgent request from a Mr. William Taylor regarding lost mooring gear. He said that this site will become number SP02-06 on the new grid. He said that all Salters parties affiliated with moorings will be notified. Mr. Melo said that there will be 51 sites on the new grid and there are 11 people on the waiting list. Mr. Martin Waine of Salters Point said that it looks fine and agrees it is a good thing to do. A recent meeting of the Salters Point Improvement Association endorsed the regrid. Pioneer stated that they have no trouble with the grid while installing the moorings to the new sites.

Mr. Melo stated that Salters Point Association currently has four permitted moorings. He said that they requested commercial status for those four moorings, plus one additional site. There is difficulty with assigning commercial status on the local level, as the approved mooring regs state that "no person or business may apply for a commercial mooring permit in furtherance of a

passive business endeavor.” Mr. Peloquin asked if Mr. Melo has accommodated the four existing moorings. He said yes, those four SPIA non-commercial moorings have been grouped together. He said that he has not assigned SPIA a fifth site; he would like a determination from the Commission regarding commercial status, which might determine the need for another site. He said that the Army Corp. permit does not supercede local authority. Mr. Peloquin said that he would review the minutes of past decisions. Mr. Hickey said that it was agreed in the past for Mr. Waine to act as a liaison with the WMC and Harbormaster Office, but there was no discussion of SPIA charging fees for use of their association moorings. Mr. Hathaway said he remembers that the moorings would be monitored, and if the boats stay longer than 14 days, they would have to register with the Harbormaster. Mr. Waine said that they would be a passive operation, charging rent for the upkeep but not advertising, etc. He said that previously no mooring company would give a proposal to act on their behalf. They would just monitor the moorings; no repair work would be done. He said that if no fees are charged, then it is hard to get boats off the moorings. If a house gets rented, they often need a place for tenant boats; it is better than everyone installing moorings for a few weeks of use. He also explained that they are an exposed area, and they need places to put boats in emergencies.

Mr. Hathaway suggested that Mr. Melo put together a package on Salters Point requirements and present it at a future meeting. Mr. Hickey also suggested getting written notice from the mooring companies that are not interested in servicing Salters Point. Mr. Waine said that he agreed to keep the Harbormaster up to date on the status of the boats on the moorings.

Mr. Metcalf asked if the Salters Point requirements are for heavier moorings. Mr. Melo said that the current posted regulations carry the same mooring gear requirements for all areas. Mr. Metcalf then asked if any of the Salters Point moorings are due for inspection. Mr. Melo said that all are to be moved now, and they can be inspected when moved. He pointed out that all of these boats are moored close to the most popular town beach and an expansive salt marsh eco-system. All of the moorings to be used should be up to code for many reasons. Mr. Waine said that the boat owners agree that they should be up to code. Mr. Waine again offered to be the liaison during the regriding process.

Mr. Peloquin moved to accept the grid as presented by Mr. Melo. Mr. Metcalf seconded. So move - all were in favor. Mr. Peloquin then moved to table the pending application for commercial status and a fifth site until research could be done by the WMC. Mr. Metcalf seconded. So moved. Mr. Melo said that moving forward with the regrid does not depend upon the applications. Mr. Hickey thanked Mr. Waine for his help with the WMC.

The WMC requested that Mr. Waine report back at the end of the season on his helix mooring and pennant as to how it held up. Mr. Waine agreed and said that he will be keeping track of the winds that he gets exposed to.

Enforcement. Mr. Melo reported that there is more staff on this year to enforce regulations. They are focusing upon trying to slow people moving through the harbor. They are patrolling the harbor and Slocum River and are more visible to boaters. Mr. Metcalf said that he saw some boats without stickers. Mr. Melo has his staff checking all boats and ticketing. They are finding it difficult to force some boaters to display their decals. He suggested that in future years, the failure to display the decal might generate a fine in order to show that people are paying as required. Mr. Melo said that he is keeping track of issues that should be addressed at a later date for the next season.

Rescue Activity. Mr. Melo said that there has been a lot of fog. He has assisted with boaters lost in fog. There have been a higher than usual number of medical evacuations from Cuttyhunk Island. He assists with and guides those into Dartmouth. There are always the tows for disabled vessels, and recently a large power boat sank at the D&T crane bulkhead at 2 a.m. requiring assistance from the Police dive team.

Moorings. First, Dr. Charnley-Mr. Melo states that the mooring was undersized and had too long chain on it. He said a large tender (unregistered) was tied behind the boat. He said that Pioneer went out and fixed the chain and repositioned it with his guidance.

Next, Don Watson wrote a certified letter to the Harbormaster which was forwarded to the WMC. Mr. Melo handed out the history of this situation. Mr. Watson said that two boats are too close to him and his boat received damage from those boats. Mr. Melo said the last inspection done was in 2003 showing a 350-lb. mushroom in the site, with 30 feet of top chain. He said that none of the specs were close to current regulations and he suspended the mooring permits until they were brought up to compliance. He also feels the Swamp Fox is moving its mooring, and that may be creating the problem. The light top chain of twice the allowable length is certainly questionable. Mr. Hathaway asked if it is a safety hazard. Mr. Melo said if it is moving around, and it keeps moving differently from surrounding boats, it certainly would be a hazard. Mr. Melo said he tried to contact Mr. Watson, by sending a postal letter and two e-mails, but he has not heard directly from him. Mr. Watson has been the mooring gear owner since 1988. Mr. Melo said he proposed to send a certified letter to Mr. Watson giving him a time limit to respond. Mr. Hickey said that time was up. If a letter had already gone out asking for compliance, and no response was received, it is time to let everyone understand that the WMC will follow up. Mr. Metcalf moved to have Mr. Melo revoke Mr. Watson's mooring permit. Mr. Race seconded, so moved.

Mr. Nancy Jordan. Mr. Melo handed out copies of the history of Ms. Jordan's mooring. Mr. Melo said he send a letter to her because the mooring was not visible; he noticed the mooring has been missing for well over two weeks and regulations state that moorings missing for over two weeks will be considered a safety hazard and forfeited to the next person on the mooring list. He stated that nothing has been done to rectify the situation. He said that it is a 250-lb. counterweight and was inspected in 2003. Mr. Kenneth Pacheco authorized the mooring. The mooring is located at the end of Highland Street. He said that Ms. Jordan said that Pioneer went to the site and found the mooring and she placed a winter stick there in the fall of 2004, Pioneer did not find the winter stick and the chain they did find broke when they tried to lift it. Ms. Nancy Jordan was present. She stated that she found her stick, but a few days later it was broken. She said her mooring is off the beach on Highland St., she said she has her stickers and has paid all her fees, the only thing not done was marking her mooring. She said that she asked Mr. Melo to go out and help her on Saturday but he was busy and she implied that he had a hidden agenda. Mr. Melo said that he has notified her to bring the mooring up to compliance and have it inspected. Ms. Jordan said she has tried to find the mooring herself, and mark it with winter sticks but the sticks keep breaking. Mr. Hickey asked Ms. Jordan what she felt the hidden agenda was. Ms. Jordan said that Mr. Melo had helped her family, whom she disagrees with, using the Harbormaster boat but when she asked he didn't help her. Mr. Hickey said that Mr. Melo was authorized by the WMC to help the person in exchange of work for the Harbormasters boat-there was no conflict of interest. Ms. Jordan was glad to hear that. She said that she was given until July 12th to upgrade the mooring, but Mr. Melo said the site was to be taken away. Mr. Melo said that the mooring was never found and there were still no markings in the area. He understood from Pioneer that a temporary mooring was put there but the winter stick was gone. Ms. Jordan said the stick was still there, but she discontinued getting it in order because Mr. Melo told her she was going to lose it. Ms. Jordan said that she wants her mooring and asked that she be able to keep the mooring. Mr. Hickey said that Mr. Melo went above and beyond in trying to work with her and when people do not comply something has to be done. Ms. Jordan asked if she could have more time. Mr. Melo said she told him she didn't see her mooring since the spring of 2004. Mr. Race moved to support

the site revocation based upon the facts presented. Mr. Peloquin asked Ms. Jordan if it was accurate that her mooring gear had not been visible for over one year. Ms. Jordan answered “yes.” Mr. Metcalf seconded. So moved unanimously.

New Boat. Mr. Melo presented pictures of a boat that the Police Dept. acquired as federal government surplus. Mr. Melo said it was a 5-year-old boat, 23-27 feet long. There is a large fuel tank, protected pilot house; its well welded, aluminum and relatively unsinkable. He stated the boat needs a bit of work; mostly equipment installed but would be a good addition to the department. He considers it to be worth the cost to update and power. Mr. Melo said the Police Dept. is willing to give it to the Harbormaster office for primary use, and both departments would use it. Mr. Metcalf said that the department needs a good boat to travel at a higher speed. Mr. Melo said that the police dept. is applying for a Homeland Security Grant available to them for help in repairing the boat. Mr. Race suggested getting a letter of agreement from the Police Dept. for joint use of the boat. Mr. Hathaway moved to authorize Mr. Melo to proceed getting information on refurbishing the boat. Mr. Race seconded. So Moved.

Landing Capacity. Mr. Melo said that the landing was busy last weekend. The parking was overflowing and they used the beach parking lot for vehicles with no trailers and West Smith Neck Rd. was used for vehicles with trailers.

Old Business.

Waiting list. 45 people have been moved.

Financial Year-End. The year-end picture is good. \$40,000.00+ was collected above expenditures; \$125,094.89 is now in the waterways retained earnings account.

New Business. None.

Public Comment. None.

The next meeting is tentatively scheduled for Monday, August 8, 2005.

It was moved and seconded to adjourn the meeting at 9:25 p.m.

Respectfully submitted,

Diane L. Vieira