

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

DECEMBER 13, 2005

A meeting of the Waterways Management Committee was duly called and held on Tuesday, December 13, 2005 at 7:00 p.m. The meeting was called to order by the Chairman, Norman Peloquin. The following were present: Mr. Peloquin, Robert Metcalf, Warren Hathaway, Gerry Hickey, Roger Race and Chris Hemingway. Absent was Mr. Ira Perry. Also present was Mr. Steven Melo, Harbormaster.

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

The minutes of the meeting of November 08, 2005 were reviewed. It was noted that on the third page, Mr. Hemingway said he felt that more than one meeting a month may be needed, not one monthly meeting. Mr. Hickey moved to accept the minutes with the change. Mr. Hathaway seconded. So Moved.

Harbormaster Report.

New Boat. Mr. Melo said that they are working on the boat, and waiting for a second engine quote. The boat is being stored on Smith Neck Road. He said that shrink wrapping the boat is expensive and it should be fine as is, this will allow them to work on the boat weather permitting. He said that the DPW doesn't have room to store it in a building this year. Mr. Melo said that in the future maybe a temporary structure could be put up; this will allow better access to working on the boat. Mr. Hickey said that he purchased 30 x 50 tarp to cover his boat with instead of shrink wrapping it. Mr. Melo will look into this. Mr. Melo said that there was also a garage behind JB Lumber that the owner would rent for \$600. monthly. Mr. Hemingway suggested getting a lock for the trailer.

Clean Vessel Act. He said he has received a questionnaire he filled out. He said that he is looking at purchasing a shore-side pump to pump out the boats safely, keeping the waste flowing safely. He said the second request is for the replacing the Sea Ox. He has removed it from the water; it needed to be pumped out every two days. He said this boat would be stored at the transfer station until disposed of. He said his plan is to take the 22' gray trip angular and make it into the second pump-out boat, using some equipment from the Sea Ox. He said that we need two pump-out boats and he is waiting to see if he gets the money for the changes. He said that he has received money in the past to run and maintain two boats.

Last Weeks Storm. Mr. Melo states that 90-mph winds were recorded with 12-ft. seas off Cuttyhunk. We had 4+ footers north of the bridge. He said that one boat broke loose and one sank at its mooring. He said that the owner has taken care of the loose boat. He said he floated and removed one boat to the landing, but the owner has not stepped forward to remove it from the shore; the last registered owner of that boat was Keith Apozda.

Mr. Peloquin said that he has seen a boat that sunk at a pier on Water Street. Mr. Melo said that he has notified Mr. Gagne of this. It is at a private dock on its side and may need heavy equipment to lift it. He was told to send Mr. Hill a letter requiring that the boat be removed. Because he had been continually tending to pumping and securing the docklines, someone thought that Mr. Hill had given the boat to Mr. Melo. Mr. Melo wanted it known that although he has an accumulation of "projects", the Amica was never, and will never belong to him. Mr. Gagne informed him that if the boat is an obstruction in navigable waters, he could order it to be removed. Mr. Melo said that the angle the boat is in a position where he can't easily put a hose in it to pump it out. Mr. Hill has paid the 2005 waterways fees for the Amica. Mr. Hemingway said that there could be a pollution aspect to it. Mr. Hill has the boat, but not the title. Mr. Race suggested calling the Coast Guard of a potential leak into the water. Mr. Hathaway said that the boat is at Mr. Hill's dock and he should be responsible. Mr. Melo said that the Harbormaster might remove a boat in his harbor at the expense of the owner. Mr. Peloquin

suggested getting estimates to remove the boat and notify Mr. Hill of it. Mr. Hemingway feels that Mr. Hill assumed responsibility of the boat by keeping it.

Robert Sylvia Hearing/Appeal. Mr. Melo said that he sent a letter to Mr. Sylvia to attend the meeting regarding an appeal of violation tickets – Non payment of two vessel waterway fees and vessel speeding violation. The waterways fee ticket is for \$198.00, non-resident rate and Ticket #2178 for the Paskamansett is \$93.00. Ticket #2195 is for a powerboat registered in Florida for \$50.00 for speeding on the river.

Mr. & Mrs. Robert Sylvia were present. Mr. Sylvia would like to discuss the speeding violation first. Mr. Sylvia said he has had a boat for 21 years with no problems. He said that he doesn't remember the speeding violation. On that day he was on his dock for 2-3 hours and no one came to him regarding any problems. Mr. Melo said that the assistants travelled the entire Slocum River and could have missed him on the dock. Mr. Sylvia said that he has lived on the river for a long time and doesn't recall any accidents. He said that he goes over a sandbar and is limited on the time he can travel the river. Mr. Sylvia said that he has never received any tickets in the past. Mr. Hickey said that they have received complaints from people regarding speeding on the Slocum River and were concerned that someone would be hurt, this is what prompted more patrolling there.

Mr. Sylvia said that he went to the Russell's Mills Town Landing and saw that most of the cars at the town landing were from out of state and doesn't have any fees to pay. Mr. Melo said that the Park Department has authority at the Russells Mills Landing. Mr. Hemingway asked if there is a speed limit. Mr. Melo said it is set by state law; the speed should not be greater than headway speed in most areas of the River.

Mr. Sylvia spoke regarding the Paskamansett violation. He said that he would first like to thank Mr. Melo and the NBYC for their help when their boat was sinking; he slowed the boat and called for help; Mr. Melo responded with pumps and helped them. He stated that they had just got the boat and didn't realize they had to pay a waterways fee. Mrs. Sylvia said that they have never received a waterway bill, only excise taxes. Mr. Melo said that a boat is exempted if it is being worked on at a recognized facility, which Mr. Sylvia raised as a defense earlier. The NBYC dock is not a "recognized repair facility" as contemplated by the exception to the waterways fee rule. Mr. Melo said that the resident rate fee is \$77.50 for a 45' boat without the violations.

The last violation is regarding a boat purchased in 2001 in bad condition. He said he didn't register it right away and he didn't own the vessel. Mr. Hemingway said that if he was using it, he is still responsible for the waterways fee. Mr. Melo said that for an 18' foot resident boat the fee is \$55.

Mr. Sylvia said that he owns a private dock that he pays taxes for, and he has a 99-year lease for the dock. He said that they are ready to write the check tonight. Mr. Hickey feels that a concession was already made because the speeding fine is lower that it could have been. Mr. Melo said that this was a local by-law violation and it didn't go to the registry, it was a town violation and will not appear on any of Mr. Sylvia's records. Mr. Metcalf said that he agrees with the concession. Mr. Peloquin said that anyone could be allowed a warning for the first time.

Mr. Hemingway moved to dismiss the \$50.00 speeding ticket and just pay the waterways fees of \$132.50. Mr. Hickey is concerned with setting a precedent and would like to amend the motion to say after today the policy will be to stay with the assistant's ticket. He said that the speeding statute stands for itself, with or without signs. Mr. Peloquin said that he finds the citation deficient and there are other regulations, he feels that the assistants had to be more specific with the ticket. Mr. Hemingway feels that the added addendum would limit any appeals and people should be allowed to appeal. Mr. Hickey seconded the motion. All in favor. So Moved. The Sylvia's wrote a check for \$132.50 payable to the Town of Dartmouth.

Mr. Race said that it would be a good idea for the assessors' office to give a list of boats registered in Dartmouth. Mr. Melo said the boats not docked in Dartmouth waters do not pay excise tax to Dartmouth.

Sub-Committees. Mr. Peloquin said that he feels that subcommittees should be set up. He would like to set up a subcommittee to look at the revenue and use of fees; to see if an increase is warranted. Mr. Hickey said that in some towns the Waterways Enterprise get a larger percentage of vessel excise taxes paid, Dartmouth is 50% Waterways and 50% General Fund. Mr. Melo said he would look into the fees or taxes collected for docks on the rivers and waters, etc. Mr. Hathaway feels that the WMC should wait until some changes are noticed, such as the dingy racks, before raising any fees. Mr. Melo said that some people complain about the fees assessed until they need benefits from the Harbormaster Office. Mr. Melo said that State Law now makes the Harbormaster refuse to issue a mooring permit if the person has not paid their vessel excise taxes. Mr. Metcalf said that the Collectors office would not accept the waterways fees if the person has not paid excise taxes. Mr. Peloquin asked Mr. Hickey to be on the committee. Mr. Hickey agreed but stated Mr. Metcalf has more experience with this. Mr. Peloquin asked Mr. Metcalf to work with him on the revenue subcommittee.

Mr. Hickey is interested in the Rogers St. subcommittee. Mr. Metcalf said that Rogers St. would be the most visible project. Mr. Hathaway asked to be on Rogers St. subcommittee. Chris Hemingway agreed to also be on this subcommittee. Mr. Hickey said that the subcommittee should come up with a plan on the property. Mr. Peloquin said he would like to be set up for meetings at the house, office space for Mr. Melo & shellfish and public access issue. Mr. Melo said that they are evaluating the neighboring soil, he said the EPA will recommend capping or removing the soil – they will tell us what we can do on the oil farm lot.

Mr. Peloquin said the third subcommittee should be for public education/services. Mr. Hemingway said he would like to delegate it to Stephanie Saikali, a teacher and assistant harbormaster. Mr. Melo said there will be two levels: one to get young students aware of the water and safety and the second level for eight graders on to get certificates for boating, etc. Mr. Hickey suggested it be an afternoon school program. Mr. Hickey will work on this also.

'Use It or Lose It' Policy. Mr. Peloquin stated that Mr. Melo needs an answer to the 'Two year use it or lose it' policy. He understands the regulation requires that if someone doesn't use a mooring with the "vessel of record" for two consecutive years, they would lose it. The question becomes when is the mooring assignment lost? Some feel it should be by calendar year, instead of boating seasons. Mr. Melo said that this year is the end of the first two year period since the regulation was adopted and it could affect more than 50 moorings. He feels the easiest way to determine "use" is to base it on the past two boating season waterways registrations. He said it took effect January, 2004 and the two consecutive years would toll in January, 2006. He said that if a mooring permit holder didn't register a boat for seasons 2004 and 2005, they wouldn't get a mooring permit for 2006. Mr. Hickey said that he was for a one year period of non-use – Mr. Peloquin said that 2 years was a concession. Mr. Melo said that the mooring regulation doesn't clearly indicate how he is required to notify anyone effected. Mr. Melo suggested a letter to anyone who has not had their "vessel of record" registered to their mooring site for the past two seasons. That letter would state that if they don't send in a 2006 boat waterways use registration form and fee with the mooring fees, which are due March 31, they would lose the mooring site to the waiting list. Mr. Hathaway moved to accept this policy. Mr. Metcalf seconded. So Moved.

Waiting List. Mr. Peloquin said he heard an inquiry that moorings could be assigned north of the bridge without using the waiting list. Mr. Melo assured him that all assignments have come off the waiting list. Mr. Melo said that every mooring in all areas of Dartmouth Waters can only come off the waiting list. He explains that even private areas have to go on the list. Some less-desirable areas can assigned right away, since there is little demand for those sites, however no mooring is ever assigned unless the name has been on the waiting list. He said that Salters Point, Clarks Cove and Slocum River are the only areas that have received new mooring installations. He said that he is careful to have a proper paper trail for all mooring assignments. Mr. Hathaway agreed that the biggest confusion is regarding the waiting list. Mr. Hickey agreed it is hard for people to understand why some people jump over others on the waiting list. Mr. Melo said that the assignments must be based upon the vessel of record to be assigned to the mooring site. Assignments are made based upon the

suitability of the site available. Someone further down the list might be assigned earlier if the site to be assigned is not of any use to those above on the waiting list. The clearest example of this involves the depth of a site to be assigned and the draft requirements of those on the waitlist. He has written and placed on the web site a "Users guide to Moorings in Dartmouth" which explains all of this.

Dingy Racks. Mr. Hemingway said that he has received two quotes for the dingy racks, most people are not interested. Mr. Hickey stated that as long as they approached three companies, that is enough. Two quotes and a refusal will be enough.

Mr. Hickey moved to table the rest of the agenda to the next meeting. Mr. Race seconded. So Moved.

Mr. Melo said that when the letters with the rates are mailed out, the people that could fall in the 'use it or lose it' area would receive a special letter explaining this regulation. He also suggested that the fees for the landing for the next season might be raised to \$5.00 daily. Mr. Hemingway suggested putting information on speeding in the packages mailed out.

Public Comment.

Mr. Don White said that before raising fees, there are people watching what the WMC is doing, he agrees that it would be easier when people can see what is being done. He suggested that below the waiting list on the computer put an explanation on who gets a mooring and why in certain areas.

The next meeting is scheduled for Wednesday, January 11, 2006 at the Rogers Street house.

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

Respectfully submitted,

Diane L. Vieira