

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

APRIL 26, 2005

A meeting of the Waterways Management Committee was duly called and held on Tuesday, April 26, 2005 at 7:30 p.m. The meeting was called to order by the Chairman, Gerald Hickey. The following people were present: Mr. Hickey, Robert Metcalf, Roger Race, Robert Szala, Norman Peloquin and Dr. Arthur Burke. Absent was Warren Hathaway. Also present was Mr. Steven Melo, Harbormaster.

The minutes of the meeting of April 12, 2005 were reviewed. Dr. Burke moved to accept the minutes. Mr. Race seconded. So Voted.

Mr. Hickey reviewed the agenda for the evening. Mr. Peloquin moved to accept the agenda. Mr. Metcalf seconded. So Voted.

Harbormasters Report.

Apponagansett Landing Clean up. Mr. Melo reported that Ms. Brumstead's class had done a good job with the clean up of the landing. They will also clean up Allen's Pond. Mr. Hickey said that Ms. Brumstead is an expert regarding the ocean. Mr. Peloquin moved that Mr. Melo send a letter of thanks to Ms. Brumstead. Mr. Race seconded. So Moved.

Unpaid Mooring Registrations. Mr. Melo said he has send out all the registrations. There are still some unpaid and he distributed a list of these to the Commission. Mr. Melo said that if a registration is not paid by May 2nd, they will receive a letter stating that they will lose the mooring.. Mr. Melo said that the deadlines are printed on all forms. Mr. Melo said he has notified everyone by mail and e-mail, and telephone where available.

Unpaid Vessel Excise Tax. Mr. Melo distributed a list of unpaid taxes, he said that it is split 50% to the Town and 50% to Waterways. He said that everyone on the list received a demand notice. He said that proof of paid vessel excise tax should be provided before the waterways permit is issued. Mr. Hickey stated that this must be paid to get a waterways sticker. Dr. Burke said that most of the list is long time boaters and he is concerned that there may be a reason for non-payment. Mr. Hickey said that a waterways sticker will not be issued until this tax payment is received. Mr. Melo said that some excise people are also on the unpaid mooring list. Mr. Szala agreed that no sticker will be issued until proof of payment is received.

Aluminum Ramp Gangways. Mr. Melo said that one of the gangplanks has major problems and has to be welded. The cost is between \$450-475. Mr. Melo said that he has come across some surplus gangways he will be looking into.

Plan for Forfeiture of Unpaid Mooring Sites. Mr. Melo provided a list of unpaid sites. Mr. Melo is looking into companies that will remove the unpaid mooring. Mr. Peloquin suggested having a standardized fee for this. Mr. Melo is looking into how towing for the Town works. Mr. Hickey asked if there is a storage place for these moorings. Mr. Melo is checking into this. Mr. Hickey suggested Mr. Melo set up a system and schedule for storage and have the WMC approve it.

Correspondence from Mr. Bruce Flenniken. Mr. Melo stated that in the past Mr. Flenniken had a Concordia Yawl on Mooring 58-1A, but not the past few years. He said that Mr. Flenniken called him last year about trading moorings. Mr. Melo said prior administration had sent him the forms and stated that he had not paid in the last three years. Mr. Melo said that there was no mooring inspection on file, the last one was in 2002. Mr. Melo said that Pioneer then inspected it in April, 2005 after he spoke with Mr. Flenniken. Mr. Flenniken sent three checks dated April, 2005 for the prior year and current year fees. Mr. Melo said that there was a letter sent to Mr. Flinagin regarding losing the mooring. Mr. Melo said that 58-1A was his site but he swapped with someone else, but this was not a permanent swap. Mr. Melo said that it is the responsibility of the mooring owner to make payments and keep inspections up to date. Dr. Burke said Mr. Flinagin was out of touch for a few years, but returned last year. Mr. Melo could not find a basis for mooring permit reinstatement. Mr. Flenniken now asks for relief from the Commission Mr. Metcalf suggested putting him at the bottom of the waiting list. Mr. Peloquin moved to support the decision made by Mr. Melo. Mr. Race seconded. So Moved.

Regulation of #15. Mr. Melo said that he was asked: "If inspections are due this year and the mooring gear that is there does not conform to the December 2003 standards adopted, do they have until the next following inspection to meet the code". He said that he believed the permittee has to meet codes before this next scheduled inspection. Dr. Burke recalled that if mooring gear did not conform, the permittee had until the next inspection to meet it. He said that this gave most people 3-6 years to upgrade to meet the regulations, which the WMC felt that this turnover period was long enough not to cause any hardship to anyone. Dr. Burke feels that Mr. Melo should bring these cases before the WMC on a case-by-case basis only if the deficiency was so substantial to cause concern. Bill Arneson of Davis & Trip asked if this pertained to all the gear. Dr. Burke said yes. Dr. Burke said that if it is close on the new rules it can go to the next inspection, but if it doesn't pass the old rules, then it has to be brought up to inspection earlier. Mr. Szala said that this was discussed in the October 30, 2002 minutes. Those minutes were re-read by Mr. Szala. Dr. Burke moved to reaffirm the language of the October 30, 2003 minutes. Mr. Metcalf seconded. So Moved.

Bill of Davis & Tripp asked if they have to replace chain, do they go by the old or new regulations. Mr. Szala said to use the new rules and fix it now.

Beetle Cat Moorings. Mr. Melo said that beetle cats are kept in low water. He said that 200# could be a hardship for beetle caps. Mr. Hickey said that the harbormaster has the discretion to make determinations regarding certain cases. Mr. Peloquin doesn't want to see the regulations being changed, but leave some cases up the Harbormasters' discretion.

Public Hearing. Mr. Melo reported that Mr. Michael Gagne informed him that there has to be 14 days notice for public hearings. So the next meeting, including a public hearing, will be May 27, 2005.

Fire District 2 Air Boat. Mr. Melo reported that Fire District #2 is looking into an air boat purchase. The vessel tested last year was able to be used on water of the Slocum River, and also moved over the sand at the Russells Mills landing. If purchased with grant funding available, this craft will be stored at the District 2 Firehouse.

Old Business.

Mr. Stephen Turner, Jr. Mr. Turner was present to discuss his situation. Mr. Melo stated that Mr. Turner purchased a mooring and later requested that his mooring be moved to deeper water– he would like to purchase a larger board (@50'+). Mr. Turner was on the waiting list at #30, with a 22' boat indicated. Mr. Melo has documentation that an assignment was approved and he was given a mooring site for this 22' vessel. Mr. Turner sent in

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his mooring registration in 2004 indicating he owned, and would use the 22' boat. That 22' boat was actually sold in the summer of 2003. Mr. Turner said that he was previously told he could move the mooring. He stated he received a letter from Pioneer stating that Mr. Turner had purchased the mooring. Mr. Melo said that he denied moving the mooring following discussions at a 2004 Commission meeting, and Mr. Turner has appealed the decision. Mr. Melo said that the mooring location is near the sandbar along the causeway.

Mr. Turner said that he received a letter informing him of the meeting and asked if Pioneer was present or notified of the meeting and the former Harbormaster, Mr. Kenneth Pacheco. He asked that the minutes note that Mr. Pacheco or Pioneer were not present. Mr. Turner presented the WMC with a picture of the location of the mooring. Mr. Turner said that he cannot find the mooring but knows where it should be.

Mr. Turner said he received a call from Billy Rebello of Pioneer that he was representing the Harbormaster's office and there was a mooring available. Mr. Turner said that he didn't have a boat at the time, but was informed that there was an agreement between Mr. Rebello and the Harbormasters Office that they could put in a 5,000 lb. 100 ft swing mooring in 1-1/2 foot of water, they would take care of the paperwork. Mr. Turner called the Harbormasters office to confirm this and was told that they would be opening up Bay View and this area would be available in the future to move the mooring to. He then called Mr. Rebello and told him if it could be done to do it. Then Billy Rebello indicated he put in a 5,000 lb. mooring in the shallow spot and he would later move the mooring. Mr. Turner showed the WMC a letter requesting a move of the mooring from Mr. Rebello for him to sign and Mr. Rebello would then turn it over to the Harbormaster. Mr. Rebello informed Mr. Turner that it was all set; he had a mooring and he would be off the waiting list. Mr. Turner said that he then waited for this to happen, while he was waiting he continued to search the area for his mooring but has never found it. He said he has paid Mr. Rebello \$2,600. for a mooring and he wasn't provided the service or even a mooring. He said he has paid his mooring fees but he doesn't have a mooring. He has been patient but he would like an answer to this, he has contacted Mr. Rebello and never received any answers. He then notified Mr. Melo of the situation.

Dr. Burke asked if there was any written documentation of the times he spoke with the Harbormaster's office; and if there was any written documentation of Mr. Rebello being authorized to represent the Town. Mr. Hickey asked Bill of David & Tripp if the Harbormasters office ever notified them to represent them. Bill said that the Harbormaster's office calls the next person on the waiting list and the person would then contact whatever mooring company they want to use.

Mr. Turner said that on August 26 he wrote a letter asking the status of his mooring. He said a week later he received a letter denying his request. He then requested a hearing before the WMC. He said that he was never notified that he was on the agenda. He also said that Ms. Culter has been complaining that she had trouble with Mr. Rebello. Mr. Melo said that he has not received a letter from Ms. Culter. Dr. Burke again asked if there was written approval from the

Harbormasters office. Mr. Turner didn't have anything from the Town, only Mr. Rebello. Mr. Turner said that when he received this year's form he asked for this hearing. He said at the present time he doesn't know if there is any mooring there and he is looking for damages for the suffering he has been through.

Mr. Szala asked the date of the request to move a mooring. Mr. Melo said that the letter he received was dated 01/04 or 01/2003. Mr. Turner said that it should be 2004. He said that this was faxed to Mr. Rebello who would give it to the Harbormaster's office. Mr. Turner said that he

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wants to know if there is a mooring and he would like the WMC to look into if any boats were moved during this time by Mr. Rebello or the former Harbormaster, Mr. Pacheco. He said that he has never received any answers from Mr. Rebello.

Mr. Turner said that he has submitted a letter to the WMC informing them of all that has transpired. Mr. Hickey said that they will listen to everyone and then try to find some answers. He said that Mr. Rebello has since sold Pioneer to Mr. Steven Gomes who doesn't know of this situation. Mr. Metcalf said that he has been in the area of the proposed mooring and has never seen any sign of a mooring. Mr. Szala said that he thinks Mr. Turner's issue is really with Mr. Rebello; and Mr. Rebello deceived Mr. Turner. He said that the WMC will try to work with Mr. Turner and help him. Dr. Burke said that the meetings are open and Mr. Turner could have come to any meeting. Dr. Burke said that Mr. Rebello was never an agent of the Town.

Mr. Hickey said a request to move a 5000# mooring was presented to the WMC. The WMC denied this request to move it, but they were never informed of the situation. Mr. Melo said that there is no record of any of the reported discussions, he only received a fax request to move the mooring. Mr. Turner said that he feels the (acting) Harbormaster should have questioned a mooring of this size being dropped in shallow water, since the by-laws state that the Harbormaster should supervise any mooring going in. Mr. Melo said he spoke with Mr. Pacheco and he doesn't remember this assignment or mooring installation.

Mr. Hickey said that the next meeting is May 17, 2005. He asked Mr. Melo to check with Mr. Steve Gomes of Pioneer and see if there are any records of this situation. Mr. Turner said that he will try and locate Mr. Rebello.

Mr. Steve Turner, Sr. said that Mr. LePage came into the Harbormaster office in 2002 and said that he would like two moorings installed in front of his property. He said that what was invested in his property, he should receive the moorings. He said that Mr. LePage has a float and also has a mooring by Pioneer. Mr. Melo said that Mr. LePage's mooring was reportedly moved in December, 2003.

Mr. Hickey said that Mr. Melo will look into the situation. He said that all rules and regulation are now posted on the website. He requested that Mr. Melo look at the situation, follow up with Mr. Pacheco & Mr. Gomes on there knowledge of this mooring and then follow-up with Mr. Turner.

Mr. Medeiros Complaint. Mr. David Medeiros said that he notified the Harbormaster that he will be selling his mooring for \$1,000.00. He said that a month later he received a call that the new owner didn't want the gear at the site, only the site that he was assigned. Mr. Medeiros said that he then checked with the Harbormaster's office and was told he would have to remove his gear at his expense. He said that now he not only doesn't have the mooring, but he has an

expense to move it. Mr. Melo said that he informed Mr. Medeiros that his gear was worth maybe \$600., but he wanted \$1,000. Mr. Hickey explained that the Town owns the land and the person rents it; when they don't want it, they can either remove the gear or sell it to the next person. Mr. Melo said that another option is to sell it to anyone and they would move it, or sell it to cover the cost of moving it. Mr. Hickey said that if the Town moves it, it will be at the owners' expense. Mr. Medeiros then said he would like to keep the mooring but Mr. Melo said that it has already been reassigned to the waiting list.

Dingy Racks. Mr. Melo said that he has submitted new plans without the metal, along with material lists and the price. The new price is \$661.95, with a pay back period over 5 years. Mr. Melo said that there will be a sample rack built before the public hearing, with photos available.
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Mr. Krenmayer. Mr. Melo submitted a letter from Mr. Krenmayer. He said that everything has failed on the gear he wanted to sell to the waiting list. Mr. Melo sent him a letter to remove his gear, the site was re-assigned and the reasons for the need to remove the non-conforming gear.

The next meeting, a public hearing, is set for Tuesday, May 17, 2005.

It was moved and seconded to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Diane L. Vieira