

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

AUGUST 31, 2004

A meeting of the Waterways Management Committee was duly called and held on Tuesday, August 31, 2004 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, Norman Peloquin, Robert Szala, and Roger Race. Absent were Mr. Warren Hathaway and Dr. Arthur Burke. Also present was Mr. Steven Melo, Harbormaster.

The minutes of the meeting of August 03, 2004 were reviewed. Mr. Metcalf moved to approve the minutes. Mr. Race seconded. So Voted.

Representative of the United States Coast Guard, Ensign Rose and Captain Judy King were present. Captain King thanked the WMC for allowing her to make the presentation. She said that last January was the coldest winter on record when this rescue occurred. She would like to make a presentation to four individuals: Mr. Kevin Mcauliffe, Mr. Ed Matthews, Mr. Maurice Ledger and Mr. Isaac Perry. Mr. Ledger and Perry came forward as Captain King read the citation for their courage and initiative for their help in the rescue of the vessel Supplement. They kept the Woods Hole Coast Guard updated on the location. Mr. Matthews joined them for his citation in this rescue. Captain King said that this community was fortunate to have people who are willing to go out of their way to help vessels in distress.

Representative John Quinn also was present to make a citation presentation from the State, and presented a citation from Senator Montigny to the four individuals. Captain King thanked the WMC for allowing them to make this presentation.

Mr. Michael Gagne, Executive Administrator, was present to discuss the Waterway Management Master Plan. Mr. Gagne said he would like to discuss services from the Southeastern Regional Planning Agency that the Town can use to help create a master plan. This year he would like to submit the idea of a waterways master plan. Mr. Gagne said that a master plan was never developed before. He stated that Edgartown has a plan. He said he would have the Town Planner involved in creating this. Also, Mr. David Jannett has helped alot of committees with this, he would like to have Mr. Jannett come down to a WMC meeting. Mr. Szala said he would like to see a plan in place. Mr. Peloquin agreed. Mr. Metcalf said to get any State funding a master plan has to be in effect. Mr. Gagne said that the plan would include the infrastructure and the issue of shellfish resources and it will be a comprehensive plan. Mr. Hickey agreed that it would be hard to handle some issues without a master plan in place. He asked that a motion be made to start a master plan and to get the process in motion. Mr. Race made a motion to start the master plan. Mr. Peloquin seconded. So Voted.

Mr. Szala asked about the previous plan. Mr. Metcalf said that it was done but didn't go anywhere. He said that Mr. Melo has an old plan done in the 1960's that included the waterways and recreation. Mr. Metcalf said that alot of work was done on it, there was also a later plan that included the closing of Smith Neck Road, which was not passed, but some things cannot be done now due to environmental issues. Mr. Hickey asked that copies be made and distributed to the WMC.

Mr. Gagne also brought up the issue of merging the Waterways and Shellfish Divisions. This would include the oversight of the Bridgetenders. He said with the upcoming busy season of boats being taken out of the water, he would like to get together with Mr. Melo, Mr. Kenneth Pacheco, Shellfish Warden, Police Department and Superintendent of the Public Works to discuss ideas on this issue and then make a presentation to the WMC. He said to put it as an Old Business item at future meetings and then present it to the Select Board. Mr. Metcalf said another issue is the Fire Department and how they can respond more quickly. He said they would like to keep their boat in the water. Mr. Hickey said that the Harbormaster

should work with the Fire Department and establish a memorandum of agreement. Mr. Gagne said that cross training could be help. Mr. Gagne said that they would also be involved in the prevention of pollution resulting from oil spills. Mr. Hickey said we should get a master concept and get started on the different issues.

Mr. Gagne said that with Mr. Melo's help they have received gift from the Dartmouth Friends of the Elderly, a runabout with a nice trailer, which will provide a way to get the boats around. Mr. Hickey suggested setting up a policy for accepting donations. He said a lot of people want to donate for a tax write-off, and it could be items that will not be used. Mr. Gagne said a gift could be accepted on a case-by-case basis. Mr. Metcalf said they have accepted moorings in the past.

Mr. Metcalf moved to accept gifts, if appropriate, on a case-by-case basis as decided upon by the WMC on the recommendation of the Harbormaster. Seconded. So Voted unanimously.

Mr. Melo said that we should accept the boat and trailer from the Friends of the Elderly, there needs to be some repairs. If the vocational students do the work it will be a good gift. Mr. Metcalf moved to accept it providing repairs could be done by the VOC students. Mr. Peloquin second. So Voted.

Old Business.

Mr. Hickey said that Concordia asked for a letter to the Army Corp of Engineers be submitted by the WMC on their behalf. Mr. Melo presented a letter drafted after talking with Town Council, Atty. Hannon. Mr. Melo said that the letter states that the Town will assume no responsibility on Concordia's actions. Mr. Peloquin asked about the statement "My office is prepared to relocate any vessel that is improperly anchored to a mooring in violation of Town rules", he asked why open the Town to that responsibility. Mr. Melo said Atty. Hannon added it meaning that the overall placement of moorings is with the Harbormaster, not Concordia. Mr. Peloquin said he doesn't see how it pertains to the placement of moorings, he feels the statement is not necessary; he would like to strike the statement. Mr. Gagne said he thinks this is for Concordia's nationwide permit for the moorings they have in the harbor, he asked if the permit is granted does Concordia have a vested right in the moorings and if in the future the WMC doesn't want the moorings, will there be a vested right. Mr. Peloquin said that mooring owners do not have a vested title interest in the mooring location itself, it a license. Mr. Gagne is looking at the long-term arrangements. Mr. Gagne said that he would like to have Town Council write an analysis of the situation for future reference. Moved to return the letter to Town Council to look at the future ability for the Town to change and return at a future meeting. Seconded. So Voted.

Harbormaster Report.

Mooring Update. Mr. Melo said that he submitted a copy of a letter he will be sending out regarding mooring compliance. Also a letter that spells out the regulations regarding assignment on the waiting list, the letter offers a mooring site; stating that if it is the first mooring offered, they can refuse but after the second refusal they will go to the bottom of the mooring waiting list. Mr. Melo said that he is using a 7-day notice on all letters. Mr. Melo feels that people are on the waiting list when they don't have to, he would like to break the list down further on the locations wanted.

Waterways Issues-Criminal Acts. Mr. Melo presented an issue from Gary Dunn on Rock O'Dundee Rd. regarding jet skis on Slocum River, a safety issue, he feels they need certain areas restricting certain things but this needs approval from the State. Some areas should be posted for speed and certain restrictions. He also stated that jet skis are going into Allens Pond and landing on private beaches. Mr. Hickey said that he has also received letters that there are jet skiers and swimming going on at all hours into the night. He passed the information onto the Environmental Police.

Mr. Melo stated that the buoys he ordered were received yesterday. He will be getting them ready to be put in the water soon.

The next letter regards Mr. Michael DeSouza of East Wordell St.; on Sunday, August 22, 2004 after 10:00 p.m., Mr. DeSouza and friends launched a dingy from the Water Street, they were going into the harbor without proper equipment, he notified the Police and escorted them back to the dock. They had no paperwork for the boat or motor, it was confiscated by the Police and stored behind the Police Station. Citations were issued totaling \$600.00. He said two of the people involved were earlier seen at the landing with boat cutters. He said that the Police are investigating the incident.

Town Ramp Proposal. Mr. Melo would like input on his letter, the plan has a central walkway, putting in floats, open ramp system, and on the north side a handicap access area. He said this would make launching boats easier. Mr. Melo said the funding would come from a Public Access Grant. Mr. Hickey said to review this information and discuss it at the next meeting.

Staff Scheduling. Mr. Melo submitted a letter for the Select Board. He has been asked to appear on September 13, 2004 regarding the staffing and future merge with the Shellfish Dept. Mr. Melo handed out a list of the hours worked by his dept. Mr. Hickey said that its impossible for Mr. Melo to work the hours he has been working. He said there is a lot of action going on in the Town, and between now and next Spring come up with a workable plan, then go to the Select Board and get the number of Assistant Harbormasters that are needed.

Mr. Ken Vincent, Select Board Member, asked to speak. Mr. Vincent asked why the Harbormaster has already worked 377 over his working hours. He said that it has taken a long time to get this report and other departments give a weekly analysis to the Select Board. He said that he has a problem with the Harbormaster working so many hours, a letter from the Finance Director has restricted overtime/comp time unless preapproved. Mr. Hickey said that there has not been many guidelines set this year, he said that the harbor has to be monitored. Mr. Vincent said the Acting Harbormaster worked less hours last year. Mr. Gagne said that between June until August 26 excluding Mr. Melo's hours, 1,449 hours were worked between the asst. harbormasters. Between the same period last year, 2,459 hours of combined hours – even if taking the extra hours Mr. Melo has put in, it still 630 hours less time worked than last year. Mr. Gagne suggested what might be needed is more assistants. He said that if Mr. Melo worked extra hours, he could take the time during the slow months, but he would still be on call, if needed. Mr. Hickey said the harbormaster's hours are an issue; suggesting that next year scheduling a 6-day workweek and any extra time be approved by the Executive Administrator. Mr. Melo said that last year there was 200 scheduled work hours for the assistants, two years ago it was 160 hours, this year he scheduled 120 hours – down 80 hours from the past years. Mr. Melo said that he needed to find the problems this year and next year fewer hours may be needed for him to work. Mr. Hickey said other towns have more assistants working, but not all assistants have to work 40 hours a week. Mr. Vincent said he would be looking into the overtime. Mr. Gagne said that Mr. Melo is entitled to take off “hour for hour” at a time when it is slow. Mr. Melo said he needs more assistants that are qualified and he will train them. Mr. Melo said Carol Hill is qualified, but her appointment has been tabled. Mr. Gagne said the issue of merger, if additional Bridgetenders are hired, they could help in the Harbormaster Office when the bridge is not opening.

Mr. Szala said that Mr. Melo is doing a good job and he has received favorable comments on this.

The next meeting is scheduled for September 14, 2004 at 7:00 p.m.

Respectfully submitted,

Diane L. Vieira