

MINUTES OF WATERWAYS MANAGEMENT COMMITTEE MEETING

SEPTEMBER 28, 2004

A meeting of the Waterways Management Committee was duly called and held on Tuesday, September 28, 2004 at 7:05 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, Warren Hathaway and Dr. Arthur Burke. Absent was Mr. Roger Race. Also present was Mr. Steven Melo, Harbormaster.

The minutes of the meeting of September 14, 2004 were reviewed. It was noted that on Page One Town Council should be Town Counsel. On Page 2 it should read **Radio Direction Finder** not Radar Direction Finder. Community Boating is an area non-profit organization, not a private company. Mr. Peloquin moved to approve the minutes. Mr. Metcalf seconded. So Voted.

Harbormaster Report.

Winter Sticks. Mr. Melo reported that Concordia called regarding winter stakes since several are appearing in the harbor. He said that Bill Rebello of Pioneer mistakenly thought that September 15 was the date to put them in. They had old regulations. Mr. Melo said that the regulations are on the web site and it states October 1st. He spoke with the companies involved and feels it was an honest mistake. Mr. Hickey asked if someone puts it in early, how is it handled. Mr. Melo said that he has the authority to make them remove it.

Shellfish/Natural Resources. Mr. Ken Pacheco returned to work today. A meeting will be made to bring him up to date. Mr. Melo reported that the Shellfish License for Mr. Winderlick was revoked. He said that Mr. Winderlick was not living at the address he used.

Steven Turner. Mr. Melo said that the information attached to the agenda is on Mr. Steven Turner regarding the denial he received. This information is to keep the WMC informed of the situation. Mr. Turner is appealing the denial. Mr. Melo gave the WMC all copies of all correspondence on this. Mr. Melo said this is in the Northwest corner of the harbor. Mr. Melo said that Mr. Peter LaPage purchased the mooring in the area 1-8C. He purchased the mooring and gear and requested it be moved to a site in front of his home. It was moved, and a site was created. Mr. Steve Turner Sr. became aware of the open site and informed his son, who purchased it from Pioneer. Mr. Turner Jr. said he never found any mooring gear at that site and he would like to move it to a site for a 50' boat. Mr. Melo said that there is no paper trail on this transaction, he received copies of the paperwork from Pioneer. Mr. Melo feels the spot should go to someone on the waiting list. Mr. Turner Jr. is not on the list. Mr. Rebello of Pioneer said this was all done with the Acting Harbormaster, Mr. Melo has no records. Mr. Melo said that the spot was changed in January, 04 to Mr. Turner in the computer. Mr. Melo said that it is 5,000 lbs. and should be visible at low tide, it is not. Dr. Burke suggested the final decision be postponed until the next meeting to review the situation. Mr. Peloquin said that there should be guidelines for reviewing appeals. Mr. Hickey feels there are several issues going on: First, any new issues presented to the WMC should be discussed and voted on at the following meeting, not made quickly; Secondly, the WMC doesn't have all the information; Third, Mr. Melo should be the one making the decisions, with the WMC support. Dr. Burke moved to table it until the next meeting. Mr. Peloquin seconded. So moved to postpone it. Mr. Hickey said that Mr. Turner is requesting a lot of information. Mr. Peloquin said that the Town may have policies for giving out information. Mr. Melo said some information may be confidential and he will check with the Town policy on giving out information.

Morris vs. McCarthy. Mr. Melo said this was unique. Kevin McCarthy claims ownership of 61-06A, he obtained it from Mr. Dan Morarity a few years ago. Mr. Peter Morris has 61-06B. Mr. Melo said they are about 35 feet apart by the maps, but could be the same spot. Mr. Morris noticed this year that his winter stick was removed and in its place Mr. McCarthy's float. Mr. Melo said that one person wants to sell it, while another claims it is theirs. Mr. Melo said he scheduled a haul out of the mooring with an inspection by him to try to determine whom it belongs to. It is situated off Bay View. Mr. McCarthy never kept a

boat on it, the last boat was Dan Morarity with Rising Star. Mr. Melo said that Pioneer has offered to raise the mooring and the loser pay for it. Mr. Morris is the only one with a record of a boat on the mooring. Mr. Morris said he used wire tires on it, and they will look for identifying traits but after being in the water for a period of time it may not be identifiable. Mr. Melo said someone could go down and look at it. Mr. Hathaway feels that pulling the mooring may not help the situation, he said the key is what happened to the other mooring. Dr. Burke feels Mr. Morris is the one that has used it, is their room for another mooring. Mr. Peloquin agreed Mr. Morris is entitled to the mooring. Mr. Melo said that Mr. McCarthy has paid for the upgrade and would like to sell it. Mr. Szala moved that if we raise it to determine ownership, if it is inconclusive Mr. Morris be entitled to ownership. Mr. Metcalf seconded. Mr. Metcalf asked if there was a history of inspections for Mr. Morris. Mr. Szala amended the motion to say that if Mr. Melo finds inconclusive evidence to make a judgement call, that Mr. Morris retain ownership. Dr. Burke said that he feels it is more important on who owns the spot, which is Mr. Morris. He feels that the spot should be given to Mr. Morris and the Harbormaster determine if another spot can be added. Mr. Hathaway feels that if it can be determined without raising the mooring, he will back up the Harbormaster. In favor of Mr. Szala's motion was Mr. Metcalf, with Mr. Hathaway, Peloquin and Dr. Burke against, Mr. Hickey was in favor of it: 3 to 3. Dr. Burke moved to agree that the mooring location should go to Mr. Morris and the issue of who owns it is not for the WMC decision-making and the Harbormaster can determine if there is room for another mooring. Mr. Hathaway seconded. Mr. Szala agreed and asked Mr. Melo what he will do when approached by the parties. Mr. Melo said that he feels there is no reason to raise it, that the spot is Mr. Morris's and that you cannot sell something that you don't own. All in favor of the motion. Unanimous.

Travelers Insurance Claim. Mr. Melo explained that this was the only break reported this year, they have the idea that the boat was left in the care and control of the Harbormaster. The boat was the Apple Jack 2 and when the mechanic went on the boat, they saw evidence of a break and notified the Harbormaster, the Dartmouth Police was notified but didn't go on the water. Mr. Melo said he doesn't know why the insurance feels the boat was in his custody.

Old Business.

Waterways Master Plan. Mr. Hickey said he spoke with Mr. Gagne on this and the services of SERPEDD, the Town Planner and Conservation Dept. will be made available. He stated Mr. Gagne has given a GIS map to the WMC. Mr. Hickey said they will gather information on different areas – he feels each of the mentioned groups can give us different information. Dr. Burke stated he feels we should know more before the WMC commits to the expense of this project. He feels it is a good project but he would like to know the benefits of it when it is completed and if it has helped the Towns that have a Master Plan. Mr. Metcalf feels Edgartown's master plan is the most extensive. Mr. Hickey said to get the people together to give us some direction and ideas. Mr. Metcalf would also like to know the benefits. Mr. Szala said that to get grant money, you need some type of plan. Mr. Hathaway suggested looking at some master plans and visiting the Towns involved to see if they use them. Mr. Hickey said he wants to see the information gathered from these groups, to see if we need a plan. Mr. Peloquin feels we should do some fact-finding from the Towns with Master Plans, Mr. Szala said that Conservation could help. Mr. Peloquin said he will research towns north of Boston, Mr. Hathaway will look at towns also and report back to the WMC.

New Business. None.

The next meeting is scheduled for Tuesday, October 12, 2004 at 7:00 p.m.

It was moved and seconded to adjourn at 8:35 p.m. So Moved.

Respectfully submitted,

Diane L. Vieira.

