

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING
NOVEMBER 01, 2011

A meeting of the Waterways Management Commission was duly called and held on Tuesday, November 01, 2011 at 7:03 p.m. at Dartmouth Town Hall. The meeting was called to order by the Chairman, Joseph Hannon. The following people were present: Chris Hemingway, Gerald Clark, Michael Gill, Roger Race and Gerald Hickey. Absent was Warren Hathaway. Also present was Mr. Steven Melo, Harbormaster.

Mr. Hannon reviewed the agenda for the evening. Mr. Hannon would like to add the house dDoctor issue to the agenda. Mr. Hickey moved to accept the agenda as amended. Mr. Gill seconded. So Moved.

Mr. Brian Cruise was present to discuss the Waterways By-laws and Town Meeting results. Mr. Hannon asked if Mr. Melo has power to issue. Mr. Cruise said that he can ticket people; but when he does the money will go into the general fund not the waterways enterprise fund. Mr. Hannon asked if the Waterways Management Committee is a lawful committee. Mr. Cruise said yes, there is a law on the books that created the WMC, but there is a question on the powers that the WMC has. He said that it is an advisory board, and can recommend to the Harbormaster and Select Board. He said that the landing fees and parking fees have been combined into one by the Town, which can be confusing. He said at the last Town Meeting most of the parking fee structure was changed. He said most of the parking regulations are now under the Select Board. He said after discussion with Mr. Melo the landing permit will be treated as a launch and parking permit allowing the revenue to stay within the waterways enterprise. He said it will be called a landing/launching permit allowing people to park at the landing with a launching permit. Mr. Hemingway asked about Rogers Street. Mr. Cruise said that to park at the landing you need a launching permit; the launch permits are issued by the Harbormaster. Mr. Hemingway said that we are issuing day parking passes for Rogers Street, there is no launching there but neighboring Community Boating will use the area for parking. Mr. Hickey said that there was going to be launching there but the Town didn't want the liability for launching due to the condition of the ramp. Mr. Cruise said that anyone with a launch permit can park there. Mr. Melo said that the seasonal pass for Appongansett Landing doesn't apply to Rogers Street. Mr. Hickey said that they would like to allow people to launch small watercraft only from the area. Mr. Cruise said that if people are paying to only park there, it is a parking permit and doesn't go to the Waterways Fund. Mr. Hannon said that the Harbormaster can adopt all rules that the WMC has adopted; including the fees for the Waterways Division. Mr. Cruise said that the Harbormaster can adopt regulations; but the process to be used should be determined by the Harbormaster and WMC. Mr. Hickey asked if the Town receives the parking fees; can the Town transfer the money to the Waterways Enterprise. Mr. Cruise said that if there is a shortfall in the WWEF, then Town Meeting should supplement the fund. Mr. Melo said that presently someone at the Dias Landing can buy a one-day launch permit, they put the money in a box at the landing, and the WMC wanted this be done at Rogers Street. Mr. Cruise said that if it is a one-day launch permit, only launch permits can go into the WWEF. Mr. Melo said that he can design a 'one-day launch permit'. Mr. Cruise said that there can be no parking permits, only launching permits at the landings to benefit the WWEF. Mr. Hickey said that if the Town doesn't give the parking money back to the WWEF the fees will have to be raised. Mr. Cruise said that the Town can give the money back, but they are under no obligation to do it; the only money they are obligated to give back is 50% of the boat excise tax. Mr. Hannon said that if the Harbormaster doesn't have to write parking tickets he will have more time to spend on other duties. Mr. Cruise said that the issues that the WMC cannot do, Town Meeting cannot do either. He said that the Select Board can force the WMC to increase their fees by not supplementing the budget shortfall. The only time that the Select Board will be involved with the WMC is to supplement the budget if needed; the Waterways Enterprise is a self-sustaining enterprise. Mr. Cruise said that the different landings can have different regulations. Mr. Hemingway asked if the different landings can have different fees. Mr. Cruise said yes; he also said that some of the regulations are old and should be reviewed. Mr. Melo said that the gates at Rogers Street will remain closed until regulations can be determined for orderly use of the area. Mr. Clark said that he feels Mr. Cruise is being too technical, he feels it could be interpreted that parking at Dias Landing and Rogers Street as 'a facility to grant access to the water' that the WMC has jurisdiction over. Mr. Cruise said that the WMC has jurisdiction over vessels in the waterways not people near the water. Mr. Clark feels we can label the Rogers Street lot as a lot for the launching of vessels and don't check or enforce it, just collect the fees for the enterprise. Mr. Cruise said that it would be a launch permit and only people with launch permits can park there; he said there could be a daily launch permit. He said that Mr. Melo has the authority to require a launch permit to use a launching facility. Mr. Melo said that any violations requiring towing have to go through the Police Department. Mr. Cruise said that the Dias Landing by-laws could

be converted to regulations before the next season. He said that the Select Board regulates the landings so they have to be involved. Mr. Cruise said that we should work with the Select Board to straighten things out. Mr. Melo noted that the Public Access Board must also be involved for the Dias Landing.

The minutes of the September 20, 2011 meeting were reviewed. Mr. Race moved to accept the minutes. Mr. Hickey seconded. So Moved.

It was noted that the October 11, 2011 meeting had no quorum. There were notes only.

North Side Mooring Re-grid Bids & Recommendation. The Chairman opened the bids. Mr. Melo said that bids were solicited from Pioneer Mooring, Davis & Tripp, Fortress, Concordia, Scott's Boats dba Mooring Man, Jordans Marine Services. Mr. Hannon received bids from Pioneer and Concordia. He read the bids: Pioneer Mooring had an estimate of \$30,475.00 and Concordia had an estimate of \$46,345.00. Mr. Race noted that both bids were over the appropriated amount of \$25,000. for the project. Mr. Race moved to reject both bids since they were both over the amount allotted for the project. Mr. Gill seconded. So Moved.

Mr. Hemingway asked if we can supplement the cost with a fee to the users. Mr. Melo said that if the cost is over \$25,000 it has to be re-bid it as a public works project. Mr. Hannon said that the estimate of \$25,000 was based on the cost of the New Bedford re-grid.

Ms. Carol Hill of Concordia suggested removing any unoccupied moorings and moving the other moorings into the regrid as the moorings are inspected. She feels part of the cost should be paid by the owners. Mr. Hannon said that moving the moorings would create more space for new moorings.

Rogers Street Project. Mr. Melo said that there is discussion between U-Mass and Dave Cressman to use the property; Mr. Hannon said that the athletic director is talking with Mr. Cressman. Mr. Race suggested asking Mr. Cressman what is going on. Mr. Race said we should wait to hear from Mr. Cressman before doing any more work in the area, such as the third gate. Mr. Melo said that U-Mass wants to use the house and parking lot.

House Doctor. Mr. Hannon said that he would like to look into hiring a year-round part timer to help with the maintenance 'as needed'. Mr. Melo feels that it is important to get Lisa on full time first; right now we do not have the money for more. Mr. Melo said that we will also need help if shellfish is to be part of the Waterways Division. Mr. Hickey said that a House Doctor is 'as needed' and may not work all the time. Mr. Hemingway asked if we can contract out to other departments for some work. Mr. Hannon said that we need a multi-talented assistant harbormaster. Mr. Clark said some towns have people 'on-call' for various types of jobs.

New Business.

Mr. Melo reported the Town has been accused of racketeering by a boater for following the Waterways By-Laws. Mr. Cressman forwarded the issue to Town Counsel. Mr. Melo said that this person once had a boat in the harbor. He said that this person was building a vessel, 56' long and 40' wide on a mooring in New Bedford Harbor. That person wants a Dartmouth mooring, but he is refusing to pay excise taxes in Dartmouth. Mr. Melo wanted the WMC to know that no permit would issue in violation of the laws, rules and regulations, including excise tax.

Budget Update. Mr. Melo said that revenue was down in September. Mr. Race suggested using regrid money to put in some Town Moorings. Mr. Melo will research it and if we can use it for other issues than the regrid. Mr. Hickey suggested using the idea of moving the moorings as they are inspected to do the regrid.

Public Comment. None.

No next meeting date was scheduled due to recent legal developments; any future meeting is to be announced.

It was moved and seconded to adjourn the meeting at 8:30 p.m.

Respectfully submitted,

Diane L. Vieira