

## MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING

SEPTEMBER 13, 2011

A meeting of the Waterways Management Commission was duly called and held on Tuesday, September 13, 2011 at 7:00 p.m. at Dartmouth Town Hall. The meeting was called to order by the Chairman, Joseph Hannon. The following people were present: Roger Race, Gerald Hickey, Chris Hemingway, and Gerald Clark. Absent were Warren Hathaway and Michael Gill. Also present was Mr. Steven Melo, Harbormaster.

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

Mr. Hannon said that we would start under Old Business:

Waterways By-Laws Revision Subcommittee. Atty. Brian Cruise was present to discuss this issue. Mr. Hannon said that there was a subcommittee of Mr. Hickey, Race, Melo, Dave Cressman and himself to discuss the proposed revisions of the by-laws. Mr. Hannon asked Atty. Cruise to explain the purpose of this by-law change and why he is proposing it thru a special legislation. Atty. Cruise said that he became involved last year when he was asked to review the by-laws. He said that when the by-laws were set up, Town Meeting didn't have the authority to grant the WMC such regulatory power. He said that by statute all regulations for moorings and waterways are to be done by the Harbormaster and all regulations for public landings is done by the Select Board. He said that he has drafted a by-law in accordance with all the statutory mandates; also it will include language for the Select Board to ask the special legislation to pass legislation to bring regulatory power to the WMC. He said that this should be done by the special legislation because it may not be able to be done by an amendment to the Charter; this will transfer power from one existing body to another existing body - secondly; an amendment to the Charter has to be done by two-thirds vote of Town Meeting and then go to the voters for referendum and a special legislation vote is by majority. Atty. Cruise said that for the present, the Harbormaster has the authority to set the regulations and fees, the WMC will advise on them and the Harbormaster will pass them. Mr. Hannon said that the WMC is the advisory board and the Harbormaster and Select Board sets the regulations and fees. Atty. Cruise said that the Harbormaster could just adopt the existing regulations. Mr. Race said that many Towns have adopted our by-laws. Mr. Hannon asked if the by-law should specifically mention the fee structure. Atty. Cruise said that the Harbormaster has the regulatory power and fees are part of that. He said that the special legislation would transfer all regulatory authority power to the WMC from the Harbormaster. Mr. Clark said that the existing state statutes give Harbormasters a lot of power; he feels that special legislation is the best way to go. Mr. Hannon agrees. Atty. Cruise said that this will not give the Town any more power than it presently has.

Mr. Melo said that he doesn't have any control over some unimproved town landings that are under the Park Department. Mr. Hickey asked if there is a problem at the landing, can the Harbormaster enforce the regulations. Atty. Cruise said that the Harbormaster has enforcement power over landings. Atty. Cruise said that the Select Board delegates a manager for each landing. He said that he will make some revisions on the 'landings' in Town that are not really landings such as Gaffney and Horseneck Roads. Mr. Melo said that the Select Board appoints who is in charge of the different properties in Town.

Atty. Cruise said that he will make the revisions and the WMC should meet again on this. He said that the fine schedule isn't in the by-law and has to be added. He said he will be meeting next Monday, September 19<sup>th</sup> with Mr. Melo to discuss this. Mr. Race feels we should meet again to discuss this. Mr. Hannon agrees that we have approved everything except the fines. The next meeting is scheduled for next Tuesday, September 20, 2011 at 7:00 pm at the Town Hall to approve the final draft of the by-law.

### New Business.

The minutes of the meeting of August 16, 2011 were reviewed. Mr. Hannon asked if Mr. Melo met with Mr. Dudley Baker. Mr. Melo said it was scheduled, but cancelled due to the Hurricane. They will meet this Friday. It was moved by Mr. Race and seconded by Mr. Hickey to accept the minutes. So Moved.

Town Pier. Mr. Clark explained that we should look into a 'House Doctor'. He said we could go out to bid for someone who can do the necessary work required during the year; Mr. Melo will be able to assign the work with a

ceiling cap to work under such as \$2,000. This way work can get done without Mr. Melo having to go before the Town each time. Mr. Melo said this could be a good plan; but different skills are needed. Mr. Melo said that a mooring company, carpenter, welder, mechanic would be needed. Mr. Race suggested a general contractor that can perform whatever tasks are needed. Mr. Race suggested Mr. Melo look into this. Mr. Clark moved that Mr. Melo get a 'person to perform assigned tasks as needed with a cap on the jobs to be done'. Mr. Race seconded. So Moved.

Mr. Melo said the last time the Town Pier was repaired was 2002 and is again in need of some repairs. He will speak with Mr. Greg Barnes regarding the pier repairs. Mr. Hickey feels that the pier should be professionally inspected regularly.

Hurricane Irene. Mr. Melo said he prepared the report on the cost of Hurricane Irene. Mr. Melo said that any reimbursement to the Town would go into the General Fund.

2011 Port Security Grant. Mr. Melo said that he was notified that he will get some thermal imaging equipment. He said that this would allow him to search effectively. He said this equipment will be very useful to boaters.

'Hard Earned' Rescue. Mr. Melo said it was a larger Freedom sailboat that started to take on water. Three Assistants, Thayer Russel-Pelsue, Shawn Rayner and Charles Howland, responded and the boat was going down. Working with TowBoatUS, they were able to effectively use the Town pumps to save the sailboat.

#### Old Business.

Shellfish Subcommittee. Mr. Melo said he signed a memorandum of understanding and it is before the Select Board to sign it. Mr. Hannon said that Mr. Mark Isenberg was at the last meeting and will speak with the Finance Committee to reinstate the \$13,000 budget for the Shellfish Division Study.

Rogers Street Update. Mr. Melo said that they met with Mr. Hannon, U-Mass representative Jerry Jennings, CBC's Peter Durant, and Dave Cressman on uses for the property. He said that U-Mass is interested but hasn't submitted a proposal yet; they are interested in the property for a women's sailing team program. Mr. Hannon said that Mr. Cressman asked them to submit a proposal and Mr. Melo said that they were informed that the property upkeep is over \$25,000 yearly. Mr. Melo said that CBC would like to use the property also and between both parties may be able to come up with a proposal. Mr. Hannon said that the light poles were approved at the last meeting; Mr. Melo said they will still put it up. Mr. Melo said that if U-Mass wants the property we may not need the lock box. Mr. Melo said we should still get the gate. Mr. Hickey feels that we should still continue with the lock boxes and gates. He said we need to be ready to open next year if a proposal is not received. Mr. Melo said that he is looking into the original bid to see if three gates weren't included in the bid. Mr. Melo feels the signs could be put on hold until we see if we get a proposal from U-Mass.

Re-Grid Project. Mr. Melo said that Mr. Barnes would like to meet with us on the re-grid before we go out to bid. Mr. Hannon asked Mr. Melo to set up a meeting with Mr. Barnes and any WMC member who can attend.

#### Harbormaster Report.

Budget Update. Mr. Melo gave an update of the budget to the WMC. He said that some fee revenues are down, but they always are during the late summer.

Public Comment. None.

The next meeting is scheduled for Tuesday, September 20, 2011 at 7:00 pm at the Town Hall.

It was moved and seconded to adjourn the meeting at 8:25 p.m.

Respectfully submitted,  
Diane L. Vieira