

Waterways Commission
Minutes of Meeting
October 9th, 2019

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DENNIS TOWN CLERK

Meeting Called to Order at 6:00 PM.

Members Present: Chairman C. Howard, Vice Chairman W. Hulse, Secretary R. Farrenkopf, A. Cloutier, J. Simpson, T. Hester, C. Carroll, W. Bergeron, B. Kelly.

Members Absent: 0

Staff Present: Harbormaster D. Farber.

Guests Present: 3

Public Information: W. Bergeron stated that there are at least 3 veterans here and I want to let them know that after 3 years the veterans home on 134 is now back from the courts and work will start on building the home.

Minutes Of Meetings: April minutes were held over until November meeting; June minutes; A motion was made by A. Cloutier to approve the minutes as presented; A second was made by J. Simpson; Vote taken; Motion Passed 7 to 0; July minutes, A motion was made by A. Cloutier to accept the minutes with changes to be made; A second was made by J. Simpson; Vote Taken; Motion Passed 7 to 0. September minutes were not presented for review.

Revenue Reports: D. Farber stated the July revenue report was \$59,765.83; A motion was made by W. Hulse to accept the report as stated; A second was made by C. Carroll; Vote Taken; Motion Passed 7 to 0. D. Farber stated that the revenue for August was \$114,350.20; W. Hulse made a motion to accept the report as stated; A second was made by C. Carroll; Vote Taken; Motion Passed 7 to 0. D. Farber stated that the revenue for September was \$156,714.45; W. Hulse made a motion to accept the report as stated; A second was made by C. Carroll; Vote Taken; Motion Passed 7 to 0. W. Hulse asked for a payment schedule on the harbor dredging. W. Hulse asked for a cost sheet or report on the waterways operations. W. Hulse asked for this type of report when it comes to fees for the waterways of Dennis. R. Farrenkopf asked about boat storage for this winter season. D. Farber stated that he had added it to the web-site and he had let slip and mooring holders know about the winter storage.

Harbormasters Report: D. Farber stated that the Selectmen and the Finance Committee agreed to support the Kiosks for the harbor. D. Farber stated the buoys on the South Side (Bass River) will stay in year round unless we see a deep freeze coming then we may pull them out. D. Farber stated that he has asked that boats be pulled out by November 1st but if there is still fishing going on then we can make other arrangements for dockage.

Harbormasters Report: D. Farber stated he would discuss some of the letter on the Special Use Permit which was sent to the members. W. Hulse stated that during the discussion on implementing the permit he had stated that the State needed to be contacted to be sure the fee for the permit can be assets', what happened? D. Farber stated that the reason was, W. Bergeron called for a point of order to the chairman as there may be still some legal ramification issues with this discussion. I would advise not having this discussed in a public meeting. Chairman C. Howard stated he agreed with W. Bergeron and stated the Agenda item would just be discussed with out specific details being stated. D. Farber continued, stating that the way to get a look at the commercial operations at the harbor, we needed a way to find out what was really happening at the harbor. We needed to be able to manage what may be happening now or in the future. We talked about asking a slip or mooring holder what they did at the harbor, in the way of any commercial business activities. The State Boating Access Board controls 3 areas in the Town of Dennis, East-side at Sesuit Harbor and two on the South side in Bass River. The State Access Board has stated that the town does not have the authority to charge a fee to commercial users that are accessing the waters from a fishing and boating access area under the control of the State Access Board. D. Farber stated that the State and the Town of Dennis understands what the issue is with the land management agreement, we don't agree with it but we understand the directors authority. The Town of Dennis acknowledges the fact that we can not access this fee at this time. D. Farber stated that we may be able to change the Waterways Rules and Regulations to specify that any commercial operation accruing in the waters of the Town of Dennis would need to have this permit. D. Farber stated that there is cash law to support what has been stated so far. The Board of Selectmen have what is called police powers to control what happens in the waters as well as in the town. D. Farber stated that the permit fee took in just over \$8,000.00 and we have spent just about that much in attorneys fees to date. D. Farber stated that the next meeting should have this topic as an Agenda Item and we let the language in the Rules and Regulations stand and state that any commercial business using a State Access area is not required to have this permit. A further discussion was had but no decision was made at this time. This Agenda Item will be on a Future Agenda. D. Farber stated he applied for a grant for the west side parking lot for \$240,000.00 with a \$60,000.00 from the Town of Dennis and the project would be about \$3,000,000.00. The plan is new buildings and reconstructed and redesigned parking lots.

NEW BUSINESS:

1. Discussion on Requesting that the Westside Parking Area be re-purposed for marina slip/mooring holder and trailer boat parking use only: W. Hulse asked the commission about taking the west side parking area and repurposing it for marina use only. He stated it would need to go to Town Meeting to be approved. The commission members agreed that it should be talked about at a future meeting. W. Bergeron stated that the parking area is being used for beach parking now and this is something that needs to be addressed. There was support from a few members but they did agree to hold off at this time.

OLD BUSINESS:

2. Discussion on W. Bergeron's draft letter to slip/mooring holders: W. Bergeron stated that his letter was to seek support from other slip and mooring holders when fees were to be discussed. R. Farrenkopf made a motion to send his letter out to slip and mooring holders. There was no second made so the motion failed.

Harbormaster D. Farber stated it would be a good idea to hold off until there is a need to have support on the issue of fees. The commission members did support W. Bergeron letter and his roll as a member of the commission in drafting the letter and sending the letter out when it was deemed necessary.

A motion to adjourn the meeting was made by A. Cloutier at 7:35 PM; A second was made by W. Hulse; Vote taken; Motion Passed 7 to 0.

Respectfully Submitted by W. Hulse:

Next Meeting is set for November 13th, 2019 at 6:00 PM in the Pail Prue hearing room at 685 RT 134, South Dennis, MA. 02660