



MEETING MINUTES
Waterways Commission Meeting
Wednesday, December 4, 2019
EOC, Public Safety Complex
7:00 PM

Commission Members in Attendance: Brian Kelly, Chair; Howie Kreutzberg, Vice Chair Michael Gibbons; David Friedman; Tucker (James) Patterson; Craig Rosenquist, David Sincoski; Rick Murray; Stephen Mone, Harbormaster

Commission Members not in Attendance: None

Also in Attendance: Officer Brendan McAuley, Chief Michael Stewart, Deputy Mark Thompson

The meeting was called to order by Brian Kelly at 7:03 PM.

Brian Kelly asked for a motion to approve the agenda a motion was made by Mike Gibbons, seconded by David Friedman; Unanimous Vote (9-0).

Brian Kelly asked for a motion to approve the minutes from the November 6, 2019 meeting, a motion was made by Rick Murray, seconded by David Friedman; Unanimous Vote (9-0).

Opening Remarks: Brian Kelly

Brian Kelly announced that there was a change in the agenda order and Deputy Mark Thompson and Chief Michael Stewart would present first.

Marine Unit Activity Summer 2019 Presentation - Mark Thompson, Deputy Chief of Police

Deputy Thompson said that every year the department has learned and has become better.

The department replaced the 2000 Whaler with an enclosed 25' Defender Series Safe Boat (2008), at a cost of \$40,000 (instead of price of \$125,000). There were able to use law enforcement money, Deputy Thompson said that no tax money was used. He explained that they originally tried to get a Grant, but there was too much competition. David Sincoski asked if the boat included all the necessary equipment, Deputy Thompson said that they had to we purchase some additional electronics.

Deputy Thompson explained that they had to train everyone how to drive the new boat as it is not a center console like the old one.

Goals:

- 24/7 readiness (If boat is not in water, will still be in a state of “operational readiness”)
- 365 days a year
- 600 hours out on the water (underway hours) doubled hours out on the water this year

Brian Kelly asked where the boat was kept in the winter, Deputy Thompson said it would be kept at the old Coast Guard Station (NOAA).

David Sincoski asked if they could use the NOAA dock in the summer, Deputy Thompson said that there are boats there in the summer and it depends would depend availability.

Deputy Thompson said that the old Boston Whaler was going to be put up for auction.

Accomplishments:

- Communication with Harbormaster was improved
- Training with MEP, USCG and METRO
- Staff well trained, EVOC and BOSAR
- Due to police presence, more compliance in the Spit, and less vessel stops overall

Brian Kelly said that with the police presence especially the ATV that the Spit has changed dramatically for the better, it is more of a family environment.

Deputy Thompson said that they want to make the Spit safer, but we still want people to have fun. Just want to make it more of a family atmosphere.

Deputy Thompson said that they participated in Operation Dry Water at the beginning of the summer *[a national awareness and enforcement campaign focused on reducing the number of alcohol and drug related accidents and fatalities and fostering a stronger, more visible deterrent to alcohol and drug use on the water]*.

David Friedman asked if the police performed random stops in the water, Officer Brendan McAuley said that they do not need a reason to stop a boat like you do with a car (Chapter 90B). He further stated that the majority of their stops are because of a violation.

We do not have quotas to stop a certain number of people, Deputy Thompson added.

Rick Murray asked how jurisdiction worked, if someone does not have enough life jackets, for example what would you do, Chief Stewart said we would give them additional jackets. Rick said generally how does jurisdiction work for other situations, Chief Stewart and Officer McAuley said that they go by Chapter 90B (Mass General Law). They have jurisdiction at 12 miles out and can exercise full police power.

Craig Rosenquist asked if it was necessary for the police to be out on the water in the winter especially in a bad storm because we have the Coast Guard. Brian Kelly said there could be a boat fire. Officer Brendan McAuley added that we do not go out on active patrol and that they could be there sooner than the Coast Guard (in winter months) if there was an emergency.

Brian Kelly asked what the acronyms EVOC and BOSAR stood for, Deputy Thompson said Emergency Operation and Search and Rescue, respectively.

Deputy Thompson continued that the overall Marine Unit's goal was not to replace the Coast Guard and Harbormaster, but to augment the services provided by these department. He added that they provide a law enforcement element. He said that they want to make sure the waterways are safe.

He further stated that it is not uncommon for funding sources to come from other budgets within the Town. For example, the police officers at sporting events or the School Resource Officer are paid for from other budgets.

Brian Kelly said he sees value added by the police activity.

Deputy Thompson said that the \$45,000 [which is coming from the Waterways Enterprise Fund] is used specifically for the Waterways of Scituate and it pays for only a portion of the personnel salary.

Mike Gibbons asked how much money came out of the budget last year, Brian Kelly said that \$41,000 last year and \$45,000 this year. The change was due to an increase in officer rates.

David Friedman asked if the boat was always staffed with two people, Mark said yes.

David Friedman further stated that the money added into the Enterprise Fund comes directly from boating fees, we are keeping people safe that come from other Towns. He feels that the Police Department's budget should be increased because only people with moorings and slips and pay into the Enterprise Fund.

*David Sincoski asked what is the overall cost for the Marine Unit, **Chief Stewart will get the cost for the Commission.***

David Sincoski would like the Police Department to move the boat to the NOAA permanently to free up the slip.

Howie Kreutzberg thought that the Marine Unit did a great job, but added that we have the Coast Guard stationed right here in Scituate, the environmental police and the harbormaster who is getting a new boat. He said that he sees some redundancy and that it is an expense for the Waterways Enterprise. Chief Stewart said that the payment plan was told to him and he does not have a say on how the unit is paid for, he said he would not care if it was paid a different way.

Mike Gibbons highlighted that we are just paying for a portion of the personnel salary expense.

Tucker said the police have had a boat and patrolled the water in the past and that the Coast Guard is not here in the winter.

Brad White, 149 Old Main, Marshfield Hills, asked the definition of “a call out” Deputy Thompson said that it is considered anytime that they are not underway in the water. Brad further asked what Chapter 90B was, Deputy Thompson said it was Mass General Law pertaining to all motor vehicles in the water.

Brad also asked if the drivers were licensed captains, Deputy Mark said no, but that the level of training they go through is at a very high level.

Brad asked if the police department are using breathalyzer tests with a .08 result, Officer McAuley said they are trained for drug awareness, and go through sobriety test training (BUI) and that they have a breathalyzer on the boat. Chief Stewart said they usually “PC” people instead of arresting them. If they write tickets it gets applied to the person’s license so the officers try to use discretion.

Chief Stewart wanted to put together a roster of the commercial fisherman to use as a roll call system in case of an emergency. Brad White said he could help him.

David Dauphine, 356 Clapp Road, said that Bassings Beach was a hot topic due to shell fishing and wondered if the police enforcement was well received, Chief Stewart said no, Chief Stewart has spoken to Chief Quigley in Cohasset about the situation. David Dauphine thinks it is important that they patrol the area and asked if it was equal patrol time between there and the Spit, Chief Stewart said not even close and that Cohasset also patrols the area [Bassings Beach]. Chief Stewart said he plans on asking for more guidance from the Town and Cohasset.

David further asked if the Police Department had Shellfish enforcement authority, Deputy Thompson said yes.

David also asked how important it was to secure crime scenes, Chief Stewart said they have to secure evidence and collect witness statements.

Chief Stewart said it is a good time to discuss who is going to patrol the area for shell fishing.

Brian Kelly thanked the officers and said the Commission would discuss next steps.

- Mike Gibbons thought it should stay in the budget and said that we are just paying a portion
- David Friedman said it should not be in the budget and that it should be spread out among all the taxpayers

- David Sincoski said it should not be in the budget and pointed out that each year it the amount could increase
- Rick Murray said it should be in the budget, but we should be concerned with the number creeping up. We also have a lot of vessels consuming slips.
- Howie Kreutzberg felt it should not be in the budget, the other departments like the school [who pay for police personnel] do not have departments to perform the duties
- Craig Rosenquist said it should not be in the budget
- Tucker said he sees the value in the police presence
- Brian Kelly said he also sees the value, but feels the Commission should write a letter stating that the Marine Unit cost should come out of the Waterways budget.

Brian Kelly asked for a motion, a motion was made by David Friedman to write a letter to the Board of Selectmen, the Advisory Chair and the Advisory Liaison informing them that the Waterways Commission believes the Marine Police Unit funding should not be taken out of the Waterways Commission Enterprise Fund and that the Police budget should be increased to cover the \$45,000, seconded by Howie Kreutzberg. The motion was discussed by the Commission.

Rick Murray said he would not vote in favor of the motion because we are getting a service/benefit and we should pay for some of it.

David Sincoski thought that the letter should include the request that the slip is moved to the NOAA, Brian said we cannot control the availability.

David Friedman thought that the \$45,000 paid for all the police salaries for the Marine Unit, not just a portion.

Deputy Thompson said we can do breakdowns for charge backs. Howie thinks it is a philosophical issue and that we do not have to get that granular.

Craig Rosenquist said that that the boater should not have to pay for the Marine Unit. Brian Kelly thought that the boaters were the one's benefiting.

David Dauphine said there are property owners that benefit from the added protection that the Marine Unit provides.

Mike Gibbons said that if you take it from taxpayers who may not be boaters, you are having people pay for law enforcement on the water that they may not be benefiting from.

David Sincoski said that non-boaters may use the beaches and therefore would benefit. He further said that we all agree there is a value, the dispute is where the money should come from.

Brian Kelly made a motion that the Waterways Commission write a letter advising the Board of Selectmen, the Advisory Chair and the Advisory Liaison that the Waterways Commission does not believe the \$45,000 Marine Police Unit expense should come

from the Waterways Enterprise Fund and that the Police Budget should be increased accordingly for this expense. Majority in Favor (5 in favor - 3 opposed -1 abstained)

Harbormaster Report: Stephen Mone

Moorings Update:

- According to Mike Bearce, 13 mooring left
- Dave Taylor's mooring has been assigned

Brian asked Stephen for the dimensions of the remaining moorings for the next meeting.

The Board of Selectmen reapproved borrowing the funds needed for the Harbormaster's boat. Stephen added that the house of the boat had been completed and that the construction for the hull had been started and that it was still on target for June.

Stephen said that the Marina has been taken apart, everything was out of the water , stored and chained and that the deicers are being deployed.

Brian Kelly said we can do an analysis on the de-icers like David Friedman had suggested.

Brian said he will follow up with **Nancy Holt about availability for a future meetings, such as the February Meeting.**

OLD BUSINESS

Maritime Center Update

At the last meeting we made a motion not to manage the Maritime Center and as of November 19th the expenses of \$16,000 and \$8,500 were removed from the Waterways Enterprise budget and were moved into the Maritime Center budget. A letter was not necessary, Nancy Holt and Jim Boudreau agreed in a meeting.

Brian Kelly said that the FLIR (Forward Looking Infrared Radar) that was in the Capital Plan and was going to be added to the new boat was pulled out.

Brad White asked if it was common practice to ask for a comp unit, Stephen said he didn't think it was possible to get one for free.

Shellfish Committee Update: Craig Rosenquist

The project has not moved forward, Cohasset is pushing back and they are signing petitions. In the meeting with the Board of Selectmen, the Rules and Regulation were approved with a few changes, (3 acres max was changed to a 2-acre max was one major change). Craig said we can look at the application process now. It will be discussed post holidays at the next Board of Selectmen. It was also decided that if you are going to apply for a license you would have to resign from the Shellfish Commission.

David Dauphine read the petition that was started by Cohasset to try to stop the shell fishing in Bassings Beach.

NEW BUSINESS

Review the Slip and Mooring Rules and Regulations: Dave Friedman and Brian Kelly Brian said looking at the 2018 contract (same as 2019) there were discrepancies between the mooring and the slip contract. The areas that need to be reviewed are late fees, ownership requirements, and notification of when you are in and out of slip/mooring. **Will have changes for the next meeting.**

Insurance update: David Friedman

David said with a **watercraft liability policy** you get a fuel spill coverage, \$939,800 with clean-up coverage. The requirement is \$250,000 currently and David thinks it should be \$500,000. David feels that some of the bigger boats may need higher liability.

Brad White said if you insure your boat under your house policy you may not have the proper coverage like pollution. Stephen said we would not accept it without the \$250,000 liability coverage requirement.

New revenue projects: David Friedman, David Sincoski and Dave Dauphine

1. Parking meters, annual sticker or fees at Jericho Road ramp
2. Kayak rack that the Town would provide and boaters would pay a fee for or start a program where the Town charges for registering kayaks
3. Floating or Dock Wash Station
4. Look into the approximate 50-100 moorings that are in Cohasset in Scituate Waters
5. Excise Tax split 50/50 between the Town and Waterways and 50% of the assessor's salary comes from the Waterways Enterprise split. *Brian Cronin said that we can petition the State to change the split.* Brian Kelly said there were discussions to further reduce the WW salary contribution to 25%.

Brad White said that Adverse Possession might be in play and suggested that the Board of Selectmen or the Town Administrator talk to Cohasset about the moorings. Dave Dauphine disagreed that adverse possession was applicable in this situation.

Next Meeting: Wednesday, January 8th in the Community Room, Scituate Public Library

There being no more business to discuss, Brian Kelly made a motion to adjourn at 9:25 PM, seconded by Rick Murray; Unanimous Vote (9-0)

Respectfully submitted,

Lianne Cataldo
Recording Secretary

List of Documents:

- Agenda
- Meeting Minutes
- Scituate Police Department Marine Unit Summary

Agenda Items:

- Review the Rules and Regulations Discrepancies
- Nancy Holt availability

Follow up:

- David Sincoski asked what is the overall cost for the Marine Unit, Chief Stewart will get the cost for the Commission.
- Brian Kelly asked Stephen Mone for the dimensions of the 10A moorings.
- Mike Stewart wanted to put together a roster of the commercial fisherman to use as a roll call system in case of an emergency. Brad White said he could help him.
- Discuss who/how the shell fishing area in Bassings Beach will be patrolled.
- De-icer analysis
- Slip and Mooring Rules and Regulations changes --Dave Friedman and Brian Kelly

On-Going Items:

- Mike Gibbons asked if the contractor could start working on the seawall first prior to March and if penalties could be put in for not completing the Cole Parkway Piling Project on time
- The new lawyer was paid for from the Waterways Enterprise Fund and Brian will get the price to share with the Commission.
- Due to the recent lobster boat fire, David Friedman will check to see if a rider is needed for extra insurance coverage
- Brian would like to have a meeting with Fran, Keith and Stephen Mone to discuss/customize the Moorings Info System and also to look at processes that may not be working.
- Rick asked Keith, Fran and Dave Dauphine to send suggestions to change the Rules and Regulations to Brian.
- Brad White asked if they could put the inspection date on the mooring ball, he will look into impermeable (ocean friendly) stickers
- Pump out Boat (Marshfield float)
- Marshfield MOU: joint meeting - TBD
- Driftway Ramp:
 - Brad White continue to work with Ducks Unlimited, Mr. Dixon is the contact
 - Once a direction is established, David Sincoski and Brian agreed to work with Frank Snow and the Conservation Committee
 - David Sincoski, Dave Friedman from WW, Ed Dixon/Brad White to be the point people to Ducks Unlimited
 - Design of ramp needed- work with Conservation
- David Friedman to work on discrepancies before sending final Slip Contract to Town Council for review – needs to be completed by March 1st

- Security Cameras for Harbor and Rivers:
 - Brian spoke with Mike Minchello in IT about expanding the fiber optic ring/cameras to Harbormasters office. Would like to connect Public Safety Complex and Harbormaster cameras and provide live access
 - Look into getting access to Marshfield cameras to see the rivers
 - Identify blind spots, check with Scituate Harbor Yacht Club to see if they would allow cameras on their property to help monitor the harbor.
 - Look into current live feed and to see if monitored by Police