



Town of Dartmouth

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*Department
of
Parks & Recreation*

Timothy J. Lancaster, Director

*James A. Vieira, Chair
Joseph Vieira, Vice-Chair
James C. Bosworth
Lisa B. Tavares
Sherri L. Tetrault*

Parks & Rec Board

9/2/14
Approved
2014
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RECEIVED
DARTMOUTH TOWN CLERK

Minutes

September 2, 2014
5:33 P.M. Meeting

Members Present: James Bosworth, Sherri Tetrault, James Vieira, Joseph Vieira and Timothy Lancaster

Members Absent: Lisa Tavares

Minutes

Motion made and seconded to approve the Minutes from June 17, 2014. Voted 4-0-0

Boy Scouts

Motion made and seconded to allow Boy Scout Troop 13 to camp at the Paskamansett Park on Russells Mills Road September 5-7. The Police Chief will be notified. Voted 4-0-0

Reis Family Cemetery

Natalie Reis and her children created a family cemetery on their Hixville Road property through a Zoning Board variance and Town Meeting approval. Determined as part of the approval process, the town required money to be deposited into a perpetual care account in order to maintain the property after the family members are deceased. It was determined by the Town that \$1,000 annually for the next twenty years would create a base to generate enough interest for the perpetual care without running the account dry. Basically the account would mirror the Ryder Cemetery.

Mrs. Reis stated that she was notified of the \$1,000 annually a few days before the temporary burial certificate expired. She explained that her family is large and the property would be maintained for longer than twenty years. The Reis family wasn't expecting to have to pay \$20,000 in twenty years; they were thinking maybe \$3,000 total. The family wants to use the money to complete the cemetery.

The Agreement has been signed by Mrs. Reis and the Town. If the Board chooses to accept a lesser payment, the Agreement would have to be amended. Payment is due September first of each year in which payment has already been made for 2014. The Board would like to meet with Mr. Barnes to discuss different options; one being to have the interest that would be generated in twenty years paid upfront in a lump sum and cut the annual payments to \$500 for the next forty years.

Motion made and seconded to table Mrs. Reis' request until the Board can meet with Mr. Barnes at their next meeting. Voted 4-0-0

Round Hill Property Line

Present for this portion of the meeting were Attorney Anthony Savastano, Joseph Slomka, Fred Johnson and a female resident from Meadow Shores.

The Round Hill property line as pertains to Moses Smith Creek has been an ongoing problem for several years; more so the last few years. The creek was dredged and the property line set in the early 1990's after a Town Meeting vote. Each year the creek changes direction a little and now it is back to where it once was before the dredging. This has created a problem for the Meadow Shores neighbors, the town beach residents and park staff in how it's managed. In the past, the Lifeguards would ask patrons to not set up camp on the other side of the creek but they could walk in the water. Now the beach is heavily used and the patrons don't listen to the Lifeguards because they are used to having access to the creek. The Director stated that before the meeting ends, he needs a clear directive going forward to next season regarding this issue.

Mr. Slomka spoke on behalf of Meadow Shores. He has been a resident at that property for the past eight years. Mr. Slomka stated that a large majority of the beach residents are against private property owners. He compared the beach patrons to a noisy party that your neighbor has except it's every day. The neighbors are very concerned with the liability. They do not want to be sued if someone has an accident on their side of the beach. Mr. Slomka stated that this is an issue for the town to address for the same reasons. Once one or two patrons cross over the next time you look there is a dozen. The patrons are taking rocks out of wall, building dams in the creek and sitting on the wall. Numerous times kids will bring balls, frisbees and skim boards, which are not allowed on the town beach, over to the private side for use. Also in some areas the children are out of view of the Lifeguards causing a safety issue.

Possible solutions suggested by Mr. Slomka:

- Better signage that reflects the law - private property to mean low water.
- Hand out paperwork with beach sticker warning residents to not pass the property line or a penalty will be enforced.
- Station a chair near the water with lifeguard stating that their sticker will be revoked if crossed.
- Designate an area where kids can play with the balls and frisbees; possibly at the other end toward Round Hill Estates.

Mr. Slomka stated that Adelaide Griswold gave informal permission years ago for kids to cross her property to enter the creek. Her daughter Susan is now the owner of the property and does not want to continue allowing patrons to cross. The Campbell's border the beach property and feel the same way. Three abutters would like the property line policed better than it has been.

Mr. Jim Vieira explained that the Board realizes it's a problem but our Lifeguards are kids not police officers. The Board doesn't want them getting involved in a conflict with residents over the property line. Their job is to watch the water and ensure the safety of beach patrons on town property.

Attorney Savastano stated that the Lifeguards would be enforcing personal property problems which they should not be doing. The landowners can erect signs and have the police enforce trespassers. The patrons that cross over are not in violation of the town's regulations and cannot be penalized in a monetary way.

Mr. Fred Johnson stated that Meadow Shores used to hire a guard in the summer to keep people from crossing onto the private side, but it became costly and the creek keeps changing. No there is no control. He has had to rescue three children from drowning in front of the Meadow Shore property. It is a huge liability and he doesn't want to be having to rescue anyone from the town beach. Mr. Johnson stated that the Town needs to figure out how to control flow of beach goers traveling onto the private beach area.

Mr. Joe Vieira informed the group if a property line is established and properly posted, the police can enforce and serve the patrons with a no trespass form. Every time this happens the police should be called to take care of the situation, not the Lifeguards.

Mr. Savastano stated that the Town cannot be held liable for selective enforcement and giving potential claims. An underage guard has not the authority or the determination in regards to the mean high and mean low tide marks.

It was suggested that Meadow Shores possibly reach out to The Standard Times, The Chronicle and DCTV to do a story about this issue and to "educate" the beach patrons in relation to the private property boundary. Perhaps a detail officer should be put in place at the beginning of the season. Eventually the word will get out and patrons will stop crossing over.

Motion made and seconded to post two more signs along the property border and the Lifeguards will not be responsible to enforce or police the private beach area. Voted 4-0-0

Hidden Bay Letter

A letter was received from Kerry Beaulieu on behalf of the Hidden Bay Board of Trustees asking the park department to erect a fence along the property line between Hidden Bay and Jones Park as well as adding more trash receptacles. Mr. Lancaster stated that there is already a fence in place owned by Hidden Bay, but is in need of repairing. Perhaps Ms. Beaulieu doesn't realize that the existing fence is there or that it is owned by Hidden Bay. Motion made and seconded for the Director to send a response letter to Ms. Beaulieu. Voted 4-0-0

Russell Garrison

The Russell Garrison property is located at the end of Lucy Street. On the property is a foundation with a granite post and chain around it. The park department cuts the grass there a few times per season. Ms. Debra Melino-Wender met with the board on behalf of Mr. David Cressman with a request to turn the property into park land. The town does not plan to develop the property, only to protect it from being sold in the future. The Historical Commission received money to develop an application to have the property listed on the National Register.

Motion made and seconded to turn the Russell Garrison property into park land via a Town Meeting article. Voted 4-0-0

Director's Report

On August 5, a boy sliced a tendon in his foot after stepping on something sharp in the creek. The Lifeguards did a great job responding and tending to the patron. The boy's mother spoke to Mr. Lancaster about two weeks after the incident praising the Lifeguards for tending to her son, but upset with the town because the department did not maintain the beach properly. Mr. Lancaster explained that if her child was past the sign that states "end of public beach", then he was most likely on private property. The mother understood and has not been heard from since.

Ann Fournier on behalf of Mission to Liberia sent an email to once again utilize Apponagansett Park as a base for their 5K road race. The event will take place on October 18 from 10 A.M. until noon. Motion made and seconded to allow the use of Apponagansett Park as the group has in the past. Voted 4-0-0

There is ADA money available to replace two handicap accessible walkways from the parking lot to the beach at Round Hill costing \$13,500. Motion made and seconded to move forward with the project. Voted 4-0-0

The backstop and side fences at Jones Park are in need of replacing at a cost of \$4,600. Motion made and seconded to replace the backstop and fencing using Revolving funds. Voted 4-0-0

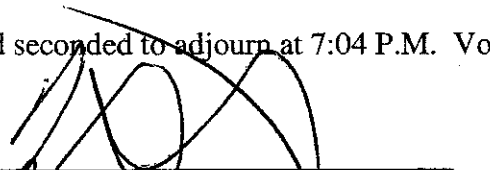
The picket fencing around the dumpster corral at Apponagansett Park is looking run down. The Director would like to replace the pickets with pressure treated 1x 4's costing about \$1,300. A suggestion was made to check pricing for composite material.

The DPW will be replacing the guard rail at Apponagansett Park along Gulf Road and the border between the boat landing and the park property coming next week. There will be a couple of openings along the landing side to allow for pedestrian traffic between the properties especially for concert nights. The granite posts and chain replacing the existing telephone pole fencing will be installed once the guardrail project is completed. The area for bucket parking only still needs to be determined. Ten spaces should be plenty for bucket parking with the exception of concert nights where there will not be any special parking available.

Motion made and seconded to deliver a letter to the Bucket lessee regarding past due bills and inviting him to attend the November meeting. Included in the letter will be a statement that payment must be made within seven days or his contract may be forfeited. Voted 4-0-0

Motion made and seconded to adjourn at 7:04 P.M. Voted 4-0-0

ATTEST:



Timothy J. Lancaster, Superintendent

Transcribed by:



Rebecca Amaral