

Tim Carroll

From: Michael Goldsmith [mgoldsmith@rrklaw.net]
Sent: Monday, May 06, 2013 10:54 AM
To: 'djason@chilmarkma.gov'
Cc: 'Tim Carroll'; 'Assistant to Exec Secretary'
Subject: RE: 20130410 MEMO - CHILMARK HARBOR DEPARTMENT.doc

Dennis:

Thanks for the call and the email from Ginny. I do not see that items 1-5 in your memo constitute explicit violations of the Chilmark Waterways Rules & Regulations (2008) (the "Rules and Regs") as currently in place. (The problems you cite certainly comport with common sense, but I did not see the prohibitions specifically identified in the Rules and Regs.)

The issues you have identified can be incorporated into the Rules and Regs, but historically the Town has held a public hearing when amending the Rules & Regs; it would be advisable to continue to do so. There is also an existing fine schedule in place, as I understand it, which provides for escalating \$50, \$100, and \$200 fines. I would not also not advise amending that schedule without holding a noticed public hearing, as the Town historically has done.

As it appears you are having keeping certain Captains and Fishermen from keeping the docking areas free of debris and other matter, incorporating your provisions into the Rules and Regs and issuing tickets under G. L. c. 40, s. 21D would be a good tool to obtain compliance. If one particular person ultimately does not comply with your directives and the fines are ignored, I believe you could bring a civil case seeking injunctive relief (assuming the violations constitute health and safety violations) in order to compel compliance through a court order.

Please call with any other questions.

Michael A. Goldsmith
Director
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From: Tim Carroll [mailto:execsec@chilmarkma.gov]
Sent: Tuesday, April 30, 2013 10:10 PM
To: Michael Goldsmith
Cc: Dennis Jason; Assistant to Exec Secretary
Subject: Re: 20130410 MEMO CHILMARK HARBOR DEPARTMENT.doc

Michael

Thank you for that feed back on Harbor Master Jason's memo. I will ask Dennis to provide you the requested information and then contact you. He is on the May 7th agenda of the selectmen for these.

Tim

Sent from my iPhone

On Apr 30, 2013, at 4:44 PM, "Michael Goldsmith" <mgoldsmith@rrklaw.net> wrote:

Hi Tim,

This is the fine schedule? Do you know where I find the latest regulations? Looking in our file I see something from 2008 and no document is up on the Town's website. I see Section VIII, I believe, in the 2008 version mentions a fine schedule; has there been one in the past?

Finally, I don't see that the violations Dennis lists out already constitute violations of the Waterways Rules and Regs presently, unless we are saying they violate the spirit of the rules. Are we looking to incorporate those specific issues in the Regs?

Thanks,

Michael A. Goldsmith
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From: Ron Rappaport [<mailto:rrappaport@rrklaw.net>]
Sent: Monday, April 22, 2013 10:36 AM
To: 'Michael Goldsmith'
Subject: FW: 20130410 MEMO CHILMARK HARBOR DEPARTMENT.doc

Pls look this over and respond to Tim...

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From: Tim Carroll [<mailto:execsec@chilmarkma.gov>]
Sent: Monday, April 22, 2013 10:16 AM
To: Ron Rappaport (rrappaport@rrklaw.net)
Cc: 'Assistant Exec Secretary'
Subject: FW: 20130410 MEMO CHILMARK HARBOR DEPARTMENT.doc

Ron

This is the FINE SCHEDULE submitted to me by the Harbor Master in compliance with the Waterways Rules & Regulations.

The Selectmen will be voting this on May 7. Please review?

Tim

From: Virginia Jones [<mailto:harborassist@chilmarkma.gov>]

Sent: Monday, April 22, 2013 10:07 AM

To: 'Tim Carroll'

Subject: 20130410 MEMO CHILMARK HARBOR DEPARTMENT.doc

Here is the memo.

ginny

<20130410 MEMO CHILMARK HARBOR DEPARTMENT.doc>