

MINUTES OF WATERWAYS MANAGEMENT COMMISSION MEETING  
APRIL 03, 2013

A meeting of the Waterways Management Commission was duly called and held on Wednesday, April 03, 2013 at 7:00 p.m. at Dartmouth Town Hall. The meeting was called to order by the Chairman, Gerald Clark. The following people were present: Chris Hemingway, Joseph Hannon, Roger Race, Michael Gill and Warren Hathaway. Excused was Gerald Hickey. Also present was Mr. Steven Melo, Harbormaster, and Mr. John Haran, Waterways Representative for the Finance Committee.

Mr. Clark reviewed the agenda for the evening. Mr. Hannon moved and Mr. Hemingway seconded to accept the agenda. So Moved.

The minutes of the meeting of October 02, 2012 were reviewed. Mr. Hannon moved to accept the minutes. Mr. Race seconded. So Moved.

New Business

Mr. Clark introduced the representative of the Finance Committee, Mr. John Haran. Mr. Haran said that he has noticed that Mr. Melo works a lot of hours during the summer. Mr. Haran said that he has spoken with Mr. Greg Barns regarding the aluminum storage buildings stored at the DPW yard. He said that when the buildings are sold or scrapped he is looking into refunding some of the money that the Waterways Enterprise spent on getting the buildings.

South Wharf Plans. Mr. Melo said that he received an email from Mr. David Nolan of South Wharf who would like to review his plans with the Waterways Commission. Mr. Clark chose this date for a gathering of the available Commission members. He noted they are currently in court with the Town for denying their original subdivision plan. Mr. Nolan is promoting another plan while the court process is going on. Mr. Melo said that after this meeting was posted at the direction of the Chair, Mr. Nolan, who sought the meeting, emailed that he was unable to attend tonight and seeks to reschedule a meeting with waterways. Mr. Haran said he has not reviewed the plans but they were going to knock historical buildings down. Mr. Hathaway asked if there would be an area where the public could have access to the water; he feels that greater public access should be included in any plans for this area. Mr. Haran said that the original plans were denied because the Fire Department could not access the waterfront. Mr. Race moved to table this until Mr. Nolan could be present. Mr. Hannon seconded. So Moved.

Community Boating Center. Mr. Melo said that he spoke with Mr. Andy Herlihy, the new director of CBC. Mr. Brian Nobrega, Operations Manager of CBC was present. Mr. Nobrega said that they would like to have access to the parking lot on Rogers Street. He would like to renew the talks between CBC and WMC to come to some agreement on the area. Mr. Nobrega said that there are big problems with parking in the area. They are doing programs with UMass and Stang and have been open since April 1<sup>st</sup>. Mr. Nobrega said that they need to use the lot for the next few months, their busy season. He said they will be putting some parking in their boat area after it is cleaned up. Mr. Nobrega said that any money issues will have to be negotiated with the CBC Board of Directors. Mr. Hannon asked if the waterways commission has the authority to by-pass the rates set by the select board. Mr. Race suggested asking Mr. Cressman. Mr. Hemingway said that he spoke with Mr. Herlihy and gave him a summary of the past history between CBC and WMC. He said that CBC is willing to negotiate with WMC and their neighbors on the parking problem. Mr. Melo suggested giving someone at CBC responsibility of a key to lock and unlock the parking gates so that he would not have to go down to the area several times each day for school bus access in the off-season. Mr. Nobrega said that most of the kids in their programs are from New Bedford since they work with a lot of adoption and family agencies; New Bedford has more at-risk kids than Dartmouth. Mr. Nobrega said that he is willing to be responsible for the key and will try to keep unauthorized vehicles out of the parking lot. They will also keep the area clean. Mr. Hemingway explained that the public has to have access to the parking lot since Community Preservation money was used for the area. He said that there has to be some monetary solution to the problem. Mr. Nobrega said a fee could be looked at to charge the groups and schools using CBC a parking fee. Mr. Hemingway said that parking spaces have to be designated for the public during any activities by CBC. Mr. Hemingway said that he discussed with Mr. Herlihy unloading buses in the parking lot but parking the buses on the streets.

Mr. Nobrega said that they have just received a DEP permit for the pier. They have ordered pilings and the gangway for the new pier. He said that they have downsized the plans. He said that it has been moved away from the Dartmouth line. Mr. Melo said that the float will not extend into Dartmouth waters. Mr. Race feels the plans look good. Mr. Nobrega said that some moorings may have to be moved to get the 80x40 barge into the area. Mr. Melo agreed that this could be done by the barge, if necessary. Mr. Melo said that the municipal boundary lines still need to be confirmed. Mr. Nobrega said that they will be trying to get more moorings into the area from New Bedford's HDC. He said that they would like to become a larger US Sailing Training Center in the future.

Mr. Clark suggested that Mr. Nobrega and a subcommittee of the Commission come up with a proposal for submittal to Mr. Cressman. Mr. Melo said that CBC should also come up with a proposal for the area including monetary solutions and the maintenance of the area during the summer months to submit to Mr. Cressman with our proposals for the area. Mr. Gill said that the less cars on the streets the better. Mr. Nobrega said that any members of the Select Board or WMC are welcome to come and review their area.

12 Rogers Street. Mr. David Cressman and Ms. Deborah Wender, Director of Development for the Town, were present to discuss the property. Mr. Clark asked to have 12 Rogers Street taken out of order since they are present. Ms. Wender stated that when the Town was considering selling 12 Rogers Street they had an environment assessment done on the property. Prime Engineering did the assessment and it was discovered that the property had elevated levels of lead on the property that made it reportable to the DEP. A deed restriction will have to be put on the property that it cannot be used for residential use and should be fenced in. Mr. Cressman stated that the amounts found did not require isolation, but Ms. Wender said that it still has to be fenced in. She said they had a meeting with the neighbors to let them know lead was found in the soil; also recommendations were given to the neighbors. She said that Mr. Barnes is looking into funding for the fence around the property. Mr. Cressman feels that the area could be covered with asphalt. Mr. Melo said that the Community Preservation has funded a fence between the project and neighbors.

Mr. Clark gave Mr. Cressman a brief summary of the meeting with Mr. Brian Nobrega of CBC. Mr. Hannon asked Mr. Cressman if the Commission has authority to by-pass the rates set by the select board and the ability to charge different rates for different users. Mr. Cressman answered yes, said that he wants the WMC to negotiate this with CBC and give a recommendation on this. Mr. Cressman suggested having a subcommittee of the commission work directly with CBC. Mr. Hemingway asked if we can charge resident the scheduled parking fee and still have another arrangement with a group. Mr. Cressman said that waterways can negotiate different fees for different groups. Mr. Hemingway suggested CBC use the St. John Street entrance area of the parking lot; maybe for parking CBC staff vehicles. The subcommittee will consist of Mr. Race, Mr. Hemingway and Mr. Melo.

Shellfish Management. Mr. Melo informed the WMC that the town has received an application for Aquaculture farming. He is taking a course at Roger Williams University on this subject. He said aquaculture could overlap with other public uses on the water that fall under Commission responsibilities. Mr. Cressman said that the State said it could be 2-3 years to get the testing done for some areas. He said that they will be discussing opening one shellfish area at the next Select Board Meeting. Mr. Melo said that we cannot raise aquaculture in a closed area; but the state might allow a special project scientific study license permitting testing in some areas.

South Side Mooring Re-Grid. Mr. Melo said that the North Side is done and seems a success; we are still giving out moorings there. Mr. Cressman suggested that the South Side should be considered for engineering as a goal.

Municipal Marina Concrete Float System. Mr. Melo said that he had compared the cost of total re-build of the existing town pier compared to looking into installing a municipal marina instead. This is another long term planning project, but it should be at least investigated. He found that building a new pier could cost about \$150,000 plus removal of the old, whereas a floating pier system might provide slip revenue to the Town. Mr. Race suggested taking this under advisement. Mr. Hemingway suggested looking into this before the South side regrid; since we paid for the North side we will be paying for the South side and we need to look into more sources of revenue. Mr. Gill suggested just getting a price on replacing the pier.

Harbormaster Report.

F/Y 2014 Proposed Budget. Mr. Melo said that he submitted his budget by the early February deadline, went before the Finance Committee last week, and got approval. Mr. Haran said that the FinCom is satisfied with the budget as submitted. Mr. Melo said that the rates have not changed in 5 years; the revenue is higher due to more moorings created and better economizing by the Department. He said that there were no proposed changes in rates, but the Treasurer indicated that waterways rates should be increased.

After appearing before FinCom and defending the proposed budget, Mr. Melo said that yesterday he was told by Mr. Barnes that now there was problem. Mr. Barnes now claims that the \$13,000 projected shortfall in the FY 2014 budget cannot be covered from waterways retained earnings even for one year. Mr. Melo reminded Mr. Barnes of their earlier discussions in which it was agreed that this could be supplemented by a transfer from waterways enterprise retained earnings. No resolution is made as of yet. Mr. Race asked Mr. Cressman for an explanation on this reversal. Mr. Cressman responded by suggesting Mr. Barnes be invited to the next meeting to explain. The annual overhead charges that are paid from the waterways enterprise to the Town will be increased to somewhere over \$40,000 for FY14. Mr. Melo said that Mr. Barnes has suggested that some Assistant salaries could be paid from the Clean Vessel Act grant, or that the waterways rates could be raised for FY 2014 and the 2014 boating season. The shellfish budget is a separate budget and cannot be combined. Mr. Melo has been assigned to shellfish as a second, separate job at this time. Certain reimbursement funds have been transferred from the Shellfish budget to Waterways operations to account for fuel, materials and assistance the waterways department has given to Shellfish activities. Mr. Melo said that half boat excise tax revenue and parking tickets were historically transferred to waterways enterprise budget, but these collections are not assured.

F/Y 2013 Budget Update. Mr. Melo said that the fees are coming in and the revenue is higher this year than same time last year. Mr. Race feels the economy is improving. Mr. Melo feels this budget is consistent and sound.

Capital Improvements. Mr. Melo said that we went out for bids on the Town Pier in December. He said a local Fence Company won the bid, and found that the stringers under the old planks needed repair. The project was rebid including the new work to be done. He said whenever work is done on the stringers the planks are taken off. It was suggested to stop work and get an engineering report to guide what to do at the pier – Prime Engineering won the bid to examine the pier with our boat. This report will determine future repair work.

Pump-out Boat. Mr. Melo said that we will be receiving a new one from the Clean Vessel Act grant – a new 23' boat & trailer with a battery operated pump. This will replace one of our pump out boats. The order has been placed and the boat will be expected by July 1<sup>st</sup>.

Mr. Melo reported that waterways have received \$7,550.00 from Nonquitt to be used for a gangway in remediation for access displaced by a marsh restoration permit. Mr. Melo will speak with Mr. David Hickox regarding plans for a new configuration for the DPW bridge-tender area that would accommodate a public access gangway, pad and fence.

Mr. Melo re-read to the Commission the minutes of their last meeting regarding replacement of the military Blazer and Pick-up Truck with one good Pick-up Truck. He said yesterday Mr. Barnes said that CIP would approve a new pick-up truck only if we also got rid of the Humvee. He said that this was not in the commission plans and is contrary to the waterways safety needs identified and unanimously voted at the last meeting. Mr. Cressman said that the CIP sets the standards for vehicle replacement and this was entirely their decision. Mr. Melo said that the free Humvee is the only vehicle he can use on beach sand, if we don't use it – it has to be returned to the Federal Government, we cannot sell it. Mr. Gill said that a new vehicle could replace all three and we only need one vehicle. Mr. Melo feels that he needs the Humvee to reach some places in Town that he is responsible for. We are moving from the current three Department vehicles, plus the one former shellfish truck, (once five vehicles) down to two. Mr. Haran questioned why subject a new truck to salt water and rough duty when the other could be better used on beaches and remote areas. Mr. Cressman said that the Police Department is also getting rid of some vehicles to get new ones, but not their Humvee. Mr. Hannon moved to return to CIP committee and repeat the safety needs for the waterways of both vehicles. Mr. Race seconded. So Moved – supported unanimously with Mr. Gill stating that he needed to abstain from this vote. Mr. Race suggested we

inform the CIP that we will keep the Humvee and get the new pick-up truck, or not, but we will keep the Humvee either way. It is waterways enterprise retained earnings that are being spent, not town funds.

Police Marine Unit. Mr. Melo said that he received an e-mail from Officer Mike Gill for use of the pump out docks. He requested that the police unit be able to stay at the pump out floats when needed for training. Mr. Melo reminded Mr. Gill of the protocol resulting from a trailer swap with Police two years ago should bring this to the Commission first for advice, then to the administrator. Mr. Cressman said that this is no longer an issue. The Chief of Police was unaware of Mr. Gill's request and countermanded it.

Waterways Regulations Adoption. Mr. Melo asked if anything was needed to continue the existing regulations since the change in waterways commission by-laws. He needs to be consistent on all the regulations. Mr. Cressman said that was already done. Mr. Melo reports 45 people have not paid their fees timely.

2014 Waterways Rates. Mr. Melo suggested that this be discussed at the next waterways meeting. Mr. Hannon feels the new moorings should be given out before we raise any fees. Mr. Melo said that the rates should be reviewed yearly.

Old Business.

Commission Officers Nomination.

Mr. Clarke nominated Mr. Roger Race for Chairman; by tradition the Vice Chairman becomes Chairman. Mr. Hannon moved to appoint Mr. Race. Mr. Hemingway seconded. So Moved.

Mr. Race nominated Mr. Gerald Hickey for Vice-Chairman. Mr. Hathaway moved to appoint Mr. Hickey. Mr. Hemingway seconded. So Moved.

Mr. Melo was re-appointed for the Ex-Officio position of Clerk.

The next meeting of the Waterways Commission is set for Tuesday, May 21, 2013 at 7:00 pm at Room 314, Town Hall.

Public Comment.

Mr. Haran asked whether the soil was tested at Rogers Street because the Town wanted to rent or sell the property. Was anyone surprised that when the soil was tested it was found to be contaminated with lead? Mr. Race said he read that they could cover it with clean soil to remediate the issue.

It was moved by Mr. Race and seconded by Mr. Hemingway to adjourn the meeting at 9:00 p.m. So Moved.

Respectfully submitted,

Diane L. Vieira