

MINUTES OF THE WATERWAYS MANAGEMENT COMMISSION MEETING

Monday, October 29, 2018 - 5:30 p.m. Room 315 Dartmouth Town Hall

A meeting of the Waterways Management Commission was duly scheduled for Monday, October 29, 2018 at 5:30 p.m. in Room 315 of Dartmouth Town Hall. The meeting was called to order by the Chairman, Gerald Hickey. Present were members: Roger Race, Warren Hathaway, Andrew Herlihy and Kevin Murphy. Mr. Marshall was absent. Also present was Steven Melo, Harbormaster.

Mr. Hickey reviewed the Agenda for the meeting. It was moved by Mr. Hathaway and seconded by Mr. Race to accept the agenda.

The minutes of the last meeting of September 18, 2018 were reviewed and discussed. It was moved (R. Race) and seconded (W. Hathaway) to accept and post the prior minutes as presented. All approved.

Meeting with Town Administrator Shawn MacInnes: Mr. Hickey described a recent, positive meeting with Mr. MacInnes. He and Harbormaster Melo gave a brief overview of the goals and challenges from the Waterway perspective, offering to help his transition into Town in any way we can.

- A. **Waterways/Mooring rates for 2019 boating season:** Mr. Melo provided an overview of the existing rates for everything related to waterways use and the Waterways Enterprise Fund. The revenue from the prior FY18 was reviewed and it was determined that current rates are sufficient to sustain the Enterprise operation and required overhead payments back to the Town's General Fund. Landing daily and seasonal rates are to be revisited with the Public Access Board once the parking lot is repaired. It was reported that our daily and seasonal parking/use permits are the lowest in the region. Following a unanimous vote to advise retention of FY2018 rates into FY 2019, Mr. Murphy moved and Mr. Race seconded to have the Harbormaster move toward developing configuration of the former pump-out floats into useful dockage.
- B. **Maritime Center Update:** Kevin Murphy provided an update of the rapid construction schedule for the project. The concrete walls and floor will be poured this week into one reinforced structure, as the forms and rebar are already up. The possibility of the building being ready for the Padanaram Christmas stroll looks unlikely. Site grading, paving and finish work by DPW is not likely to occur until the spring. Asphalt availability will limit the ability to pave the site. It was suggested that Waterways Commission consider a list of priorities for amenities and installations as the available funding becomes refined. Offerings such as an internet-connected weather station and flat-screen displays of marine, or community related information are examples. Donations of, or sponsorship of benches, cupola/wind vane, weather station or similar were discussed with the ultimate decision being needed from Town Hall.
- C. **Former Pump-out Floats:** The question of how they should be used, configured and held in place were considered. A practical plan for re-use was desired by the Commission. It was suggested that the Harbormaster should work with CLE for best uses and configuration. Roger Race and Kevin Murphy volunteered to work on ideas as well.
- D. **Fishing Pier:** The Commission previously accepted the concept as displayed in the rendering provided by Tristan of Saltonstall Architects. That concept was presented to the Dept. of Public Works Director David Hickox. His DPW Board reviewed the proposal and came up with four initial questions or concerns they requested answers to. The first issue that always accompanies anything to do with Padanaram is parking. Mr. Melo stressed that moving the entrance to the fishing pier to the west of the span puts the fishing spot closer to the available parking on Smith Neck Road and at the Dias Landing. This pier is not designed to attract more people to fishing than the bridge currently draws, but rather to relocate that same number off the sidewalk. The second question asked was what the position of the Padanaram Business Association? Mr. Hickey has shown the rendering and discussed the project with Linda Hopps, future Chair of that Association. The Association will discuss and develop a position at their November meeting. The DPW also asked about water service

to the fishing pier. The causeway lacks water service beyond the swinging span, and permanent fresh water service would need to come from further up Gulf Road or through a submerged line from the east. Mr. Melo responded that it was always the intent to provide salt-water rinsing at the bait stations on the pier. This would be better for fish cleaning and less wasteful of the Town's potable water supply. One salt water wash-down pump, powered by solar/battery or electric, could supply as many bait/cleaning stations as the bridge currently hosts. The final question posed by DPW asked who would be responsible for maintenance and oversight of the fishing pier. Mr. Melo noted that the DPW bridgetenders currently are supposed to police all uses of the bridge and the bridge fishing stations. The bridgetenders are on duty from 6:00 a.m. to 9:00 p.m. daily from May through October. It should probably be proposed as a Town responsibility with individual tasks to be determined at a meeting of all concerned.

Mr. Murphy announced that he would like to see decent trash/recycling receptacles installed at the Maritime Center, similar to those recently installed elsewhere in the Village. He also asked that we have Steve Bliven of Urban Harbors Institute to our next meeting to ensure that all of the essential waterways projects planned or desired are to be included in the Harbor Management Plan. Roger Race seconded Mr. Murphy's motions, and all voted unanimously.

- E. Hayes Moorings Commercial Permits:** Mr. Melo provided a brief history of the issue, starting with the original permit issuance in early 2004 by the Commission to John Hayes, to his passing in late 2017, and the provisional permits continuing through the 2018 season. The legality or appropriateness of issuing commercial permits was presented as a question to Town Counsel with the approval of the Town Administrator earlier in 2018. The attorney-client privileged response from Town Counsel Savastano was supplied to the Harbormaster earlier this week. In summary, it was advised that actions taken by John Hayes to create a limited partnership from the prior d/b/a of Hayes Mooring services would constitute an unpermitted "transfer" of permits. Based upon the advice of counsel, the Waterways Commission unanimously voted to advise the Harbormaster not to continue issuing commercial permits to Hayes Moorings. Mr. Hickey stressed that this issue will be seen as a precedent-setting exercise of diligence in the public's eye. These commercial permits are small in number, but this is an issue that is capable of recurring and our efforts at careful evaluation of the issues could be looked back upon. Members of the Commission advised that the Harbormaster notify Mr. Brian Hayes (John's son) of the result, but also ask of his intentions regarding notification to existing Hayes Mooring customers. They do not want any of the five existing customers to be surprised and without adequate time to make alternative accommodations for next season.
- F.** No Public Comment being offered, the meeting was voted unanimously adjourned at 7:50 p.m.

The next meeting of the Waterways Commission will be on Tuesday 11/20/2018 at 5:30 pm.