

MINUTES OF THE WATERWAYS MANAGEMENT COMMISSION MEETING

Tuesday, November 29, 2016 - 5:30 p.m. Room 315 Dartmouth Town Hall

A meeting of the Waterways Management Commission was duly scheduled for Tuesday, November 29, 2016 in Room 315. The meeting was called to order by the Chairman, Gerald Hickey. Present were members: Warren Hathaway, Joseph Hannon, Roger Race, Geoffrey Marshall and Andrew Herlihy. Also present was Mr. Steven Melo, Harbormaster, Steve Bliven and Jack Wiggen, UHI.

Mr. Hickey reviewed the Agenda for the meeting. It was moved and seconded to approve the agenda.

The minutes of the last three meetings were reviewed and discussed. It was agreed to post the minutes to the meeting of Thursday October 27, 2016 as reported. All approved as indicated.

B. Recycling #4 LDPE:

Taken out of agenda order was item B, Recycling program for #4 LDPE (low density polyethylene) shrink-wrap plastic (to allow for arrival of Mr. Jack Wiggen, UHI). Mr. Hannon is exploring the feasibility and process for promotion of recycling the plastic shrink-wrap materials popular for seasonal (winter) boat covers. The Town of Bourne, MA has an established program. They originally accepted #4 LDPE for free, but are currently charging \$62/ton to recycle this material. They accept from all areas at Bourne if strapping, zippers and vents are removed and the material is in a reduced bundle. Geoff Marshall stated that Marshall Marine has been working cooperatively with D&T to combine and ship their material to Bourne. Stuart MacGregor from Concordia reports that they also transport to Bourne at an expense of @ \$250 per year. It was reported that Bourne accepts material from many Cape communities. Mr. Hannon will work with our Crapo Hill Regional facility to see if they can also set up a more local recycling program for this material. The Commission voted unanimously to support and encourage local shrink-wrap recycling.

A. Waterways/Harbor Master Plan:

Presentation from Steve Bliven and Jack Wiggen, UMASS Boston's Urban Harbor Institute (UHI) regarding a master plan: A prior presentation on November 18, 2008 by Mr. Bliven to the Commission at that time failed to garner a majority of support on December 9, 2008 due to more pressing projects. Major benefits of a waterways master plan include incorporation into or with a Town Master Plan or Open Space and Recreation Plan. A plan could pull people and ideas together, identify uses of areas, access, historical features, sea level rise/flooding, storm preparation and dredging needs. It was suggested that a more town-wide approach is needed, perhaps under a broad-based citizen advisory committee. An independently appointed committee comprised of various stakeholders could follow from an initial steering committee to help define the framework and issues. The potential cost for consultant services to establish a master plan was discussed. A low end plan might be near \$25,000, while a plan for the size of Dartmouth waterways should approximate \$50,000, depending upon broadness of issues to be addressed and complexity of those issues. Funding opportunities from the State Seaport Economic Council were discussed, with costs from waterways for a preliminary scope of work project counting toward the matching funds requirement. An initial contract for defining scope of work could include an estimate of final costs based upon a menu of optional topics and goals of the final master plan. That initial contract should be in the range of \$2,500 to \$3,000. Recent work by UHI can be seen in Gloucester's economic viability plan. It was noted that the Army Corps of Engineers has shown interest in such master plans being adopted. Mr. Hickey mentioned that the ACOE has permitted a penalty on private business for the Town not having a state-accepted harbor master plan. Mr. Cressman, Administrator, expressed his wish to have the Waterways Commission start to define issues. He suggested topics of municipal marina, bridge fishing, climate change (claiming that the Town is already working with UMASS Dartmouth on that), Chapter 91 licenses and a possible harbor walk, and South Wharf. He suggested then going to other town boards/groups to see if they want to add issues. Mr. Cressman

stated that the Town completed an updated open space/recreation plan last year and the Planning Board has a 10 year old Town Master Plan. He suggests getting a price only after that is completed and departed for another meeting. Mr. Hannon suggested that the Planning Board could take a lead role in this waterways master plan. Mr. Bliven said that this project should complement and fill in any gaps in existing town-wide plans. Mr. John Hansen, Town Planner was also present and expressed a willingness to be integral in this project. He said that the Planning Board endorses this pursuit and suggests that SRPED could be looked to for guidance. We need to look at land-use regulations as they impact waterways (ie. Septic, fertilizers, uses, run-off, access and views) and realize that the waterways has a broad impact and value on Town's economy.

Doug Roscoe and David Tatelbaum were present for the Finance Committee. Mr. Roscoe stressed the importance of grant funding mentioned for paying for this plan. Mr. Race clarified the Seaport grant process and willingness for those funds to be used in this manner. Mr. Tatelbaum praised the open and inviting nature of this endeavor, citing the recent harbor walk group as writing the manual on how-not-to pull a community together. Mr. Hannon asked if the FinCom could authorize \$2,500 for the first step outline of a plan's issues. Mr. Roscoe doubted that could be done before the next Town Meeting. Since this is not an emergency situation, no reserve fund transfer would be allowed. This would require an appropriation vote from Town Meeting.

Mr. Hannon does not want boat user fees to be used to fund a preliminary plan. Those fees should be used only for direct boater services. It was suggested that funds from our allotted waterways improvement fund (MGL Ch 40, §5G) could be used for this purpose. R. Race motions, G. Marshall seconding, to spend up to \$2,500 for an initial project from our Ch. 40, §5G funds (boat excise receipts to Town), unanimously accepted by vote.

Next step is to incorporate a written proposal from UHI into a contract for services to be reviewed by the Waterways Commission at the next meeting for appropriate signatures.

C. CBC shared/licensed use at 12 Rogers Street:

Mr. Melo has not had an opportunity to discuss this with the Town Treasurer as directed by Mr. Cressman. It will be moved to a future meeting.

D. DPW Bridge Operations:

It was voted as the unanimous Waterways Commission opinion that the Padanaram Bridge and causeway are roadway issues and not waterway navigation concerns. The Bridge is a road, and the Waterways Department (including Harbormaster Staff) do not have, seek or accept responsibility or authority to supervise or become involved in bridge operations. Members of the Waterways/Harbormaster Staff lack technical expertise to operate the roadway span, especially if the mechanism is so fragile, dilapidated or weak that the span cannot be left permanently open to vessel navigation during causeway construction. If it is not safe to leave in the open to maritime navigation position, as is now likely required under 33 U.S.C. 494, then it is not safe for untrained, inexperienced personnel to intermittently operate, or supervise operation of it. It was also the unanimous opinion of the entire Waterways Commission that any attempted use of Waterways Department Staff would be a clear violation of the stated purposes of Waterways Enterprise Funds. This is especially disturbing in light of the previous (2009) determination by the Town that the DPW is the "owner" of the Apponagansett River/Padanaram Harbor Bridge as intended in 33 C.F.R 117. Acknowledgement of DPW ownership is further evidenced by an allowed application for a change in Drawbridge Operation Regulations, by Dartmouth DPW as owner, published October 17, 2011 in USCG-2011-0335.

It was further suggested that the Board of Public Works would be welcome to address this issue, as well as the federally-mandated bridge moorings that we have supported, at a future Waterways Meeting in order to reach some mutually-satisfactory economy of effort between the Departments.

There was no public comment.

The next meeting of the Commission was set for December 13, 2016 at 5:30 p.m.